



**CITY OF CRYSTAL LAKE**  
**AGENDA**

**CITY COUNCIL**  
**REGULAR MEETING**

City of Crystal Lake  
100 West Woodstock Street, Crystal Lake, IL  
City Council Chambers  
October 2, 2012  
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Proclamation**
  - a. **Senior Services Associates, Inc. Day**
  - b. **Lions Club Candy Days**
5. **Approval of Minutes – September 18, 2012 Regular City Council Meeting**
6. **Accounts Payable**
7. **Public Presentation**

*The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the city staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against city staff or elected officials are not permitted.*
8. **Mayor's Report**
9. **Council Reports**
10. **Consent Agenda**
  - a. **Knights of Columbus Council #3880 Class 16 Temporary Liquor License request.**
  - b. **Knights of Columbus Council #10678 Class 16 Temporary Liquor License request.**
  - c. **Justin Schroeder Memorial Foundation Class 16 Temporary Liquor License request.**
11. **Kumi Sushi, 1145 Route 31 – Final Planned Unit Development Amendment to allow wall signage.**
12. **Kumi Sushi, 1145 Route 31 – City Code Amendment increasing the number of Class 2 liquor licenses.**
13. **215 Union Street – Simplified Residential Variations to allow an addition to the residence to encroach into the required front setback and be as close as 10 feet from the front property line instead of the required 35.5 feet.**
14. **CrossFit Crystal Lake, 110 W. Woodstock Street – Use Variation to allow a strength and conditioning gym within the R-3B zoning district.**
15. **141 Ellsworth Street – Simplified Residential Variations to allow a covered front porch to encroach 10.8 feet into the required 25.5-foot average front yard setback.**
16. **73 Lincoln Parkway – Special Use Permit Amendment to allow an accessory structure over 600 square feet.**
17. **Existing Retailer Job Creation and Investment Matching Grant and Targeted Development Zone application requests – New Peking Restaurant, 40 West Terra Cotta, Units G & H.**
18. **Acceptance of the Annual Audit for the Fiscal Year 2011/2012.**

19. **Resolution authorizing execution of a Memorandum of Understanding between the City of Crystal Lake and Southeast Emergency Communication (SEECOM) providing for a mechanism for City personnel to perform SEECOM's maintenance responsibilities, on an as needed basis, in exchange for payment to the City.**
20. **Resolution authorizing execution of a contract for the demolition of 62 Railroad Street and approval of up to 10 percent in justifiable contract amendments from a contingency allowance.**
21. **Resolution authorizing execution of a contract for sidewalk construction at Congress Parkway and Exchange Drive and approval of up to 10 percent in justifiable contract amendments from a contingency allowance.**
22. **Resolution authorizing execution of a contract for the Illinois Route 176 Access Road Improvement project and approval of up to 10 percent in justifiable contract amendments from a contingency allowance.**
23. **Resolution authorizing allocation of Motor Fuel Tax funds for the Illinois Route 176 Access Road Improvement project.**
24. **Resolution authorizing execution of a contract for paving improvements at the Three Oaks Recreation Area and approval of up to 10 percent in justifiable contract amendments from a contingency allowance.**
25. **Resolution authorizing execution of a Temporary Construction Easement granted by the Crystal Lake Park District for the North Shore Drive Drainage Improvement project.**
26. **Informational Update Regarding Emerald Ash Borer**
27. **Council Inquiries and Requests**
28. **Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining, and personnel.**
29. **Reconvene to Regular Session.**
30. **Adjourn**

*If special assistance is needed in order to participate in a City of Crystal Lake public meeting, please contact Brad Mitchell, Assistant to the City Manager, at 815-459-2020, at least 24 hours prior to the meeting, if possible, to make arrangements.*



**Agenda Item No. 4a**

**City Council  
Agenda Supplement**

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**Meeting Date:**

October 2, 2012

**Item:**

Proclamation – Senior Services Associates, Inc. Day

**Staff Contact:**

Anne O’Kelley, Executive Assistant

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**Background:**

Senior Services Associates, Inc. has requested that Mayor Shepley proclaim October 19, 2012 as Senior Services Associates, Inc. Day.



## MAYORAL PROCLAMATION

**WHEREAS**, on August 31, 1973, Senior Services Associates, Inc. was established as a non-profit agency dedicated to sustaining and improving the quality of life for individuals and their caregivers by providing access to the social services they need; and

**WHEREAS**, Senior Services Associates, Inc. is dedicated to preserving independence, promoting mental and physical well-being, and protecting the rights and dignity of the seniors they serve; and

**WHEREAS**, Senior Services Associates, Inc. was designated by the Illinois Department on Aging to be the Care Coordination Unit for Kane, Kendall, and McHenry Counties, with offices located in McHenry, Crystal Lake, Elgin, Aurora, and Yorkville serving over 27,000 seniors in 2011; and

**WHEREAS**, as Care Coordination Units (CCU's), Senior Services Associates, Inc. is the "one stop shop" for services for adults, 60 years and older; and

**WHEREAS**, Senior Services Associates, Inc. links seniors and their families with the resources they need to help older adults live the highest quality of life possible in their own homes as long as safely manageable, and to assist seniors and their families in making choices and decisions when other options must be considered.

**NOW, THEREFORE**, I, Aaron T. Shepley, Mayor of the City of Crystal Lake do hereby designate Friday, October 19, 2012 as

### **Senior Services Associates, Inc. Day**

in the City of Crystal Lake, and urge every citizen to honor our older adults and support the efforts of Senior Services Associates, Inc.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Crystal Lake to be affixed this 2nd day of October, 2012.

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Aaron T. Shepley, Mayor



**Agenda Item No. 4b**

**City Council  
Agenda Supplement**

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**Meeting Date:**

October 2, 2012

**Item:**

Proclamation – Lions Club Candy Days

**Staff Contact:**

Anne O’Kelley, Executive Assistant

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**Background:**

The Lions Club has requested that Mayor Shepley proclaim October 12, 2012 and October 13, 2012 as Lions Club Candy Days.



## The City of Crystal Lake MAYORAL PROCLAMATION

WHEREAS, Lions are an international network of 1.35 million men and women in 206 countries and geographic areas who work together to answer the needs that challenge communities around the world, particularly in the areas of vision and hearing conservation and in the areas of service to the deaf and the blind; and

WHEREAS, Lions Club members around the world also serve their communities by helping improve the environment, provide services for the youth, build homes for the disabled, and support diabetes education; and

WHEREAS, through the hard work and dedication of the current Crystal Lake Lions and those who preceded them, serving Crystal Lake since 1931, millions of dollars have been expended for an eye donor registry, low vision clinics and hearing screenings, camping programs, hearing aid and eyeglass collections and hundreds of other local programs; and

WHEREAS, on October 12, 2012 and October 13, 2012, the Crystal Lake Lions will be observing Candy Days; and

WHEREAS, the Lions Club Candy Days fundraiser is the largest fundraiser for Lions of Illinois and over 50% of the funding for Lions Club programs and services is raised during Lions Club Candy Days.

NOW, THEREFORE, I, Aaron T. Shepley, Mayor of the City of Crystal Lake, do hereby proclaim October 12, 2012 and October 13, 2012 as

## LIONS CLUB CANDY DAYS

in the City of Crystal Lake, and urge all residents to recognize and support the many fine charitable efforts of the Lions Club.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Crystal Lake to be affixed this 4th day of September, 2012.

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Aaron T. Shepley, Mayor



**Agenda Item No. 5**

**City Council  
Agenda Supplement**

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**Meeting Date:** October 2, 2012

**Item:** Minutes of the September 18, 2012 Regular City Council Meeting

**Staff Recommendation:** Motion to approve the minutes.

**Staff Contact:** Nick Kachiroubas, City Clerk  
Anne O'Kelley, Executive Assistant

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**Background:**

Attached are draft minutes of the September 18, 2012 regular City Council meeting for your review. Should the Council have questions concerning this matter or note any errors or changes to these meeting minutes, please advise the City Clerk or Anne O'Kelley prior to the City Council meeting, if at all possible. Thank you.

**Votes Required to Pass:**

Simple majority.



**Agenda Item No: 10a**

**City Council  
Agenda Supplement**

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**Meeting Date:** October 2, 2012

**Item:** Temporary Liquor License – Knights of Columbus Council #3880

**Staff Recommendation:** Motion to approve issuance of a Class “16” Temporary Liquor License to the Knights of Columbus Council #3880

**Staff Contact:** George Koczvara, Deputy City Manager

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**Background:**

The City has received a request from the Knights of Columbus Council #3880 for the issuance of a Class “16” Temporary Liquor License in order to sell beer and wine at the Parish Dinner for Married Couples being held at the Oak Street Community Center, located at 451 W. Terra Cotta Avenue, on October 20, 2012 from 6:00 p.m. to 11:00 p.m.

Section 329-5-P of the City Code permits the issuance of a Class “16” Temporary Liquor License for the retail sale of beer and wine for consumption upon the premises specified in the license where sold. The license shall be issued to not-for-profit corporations qualified to do business in the State of Illinois. The license shall be for a period not to exceed three (3) days, and shall be issued only for special events sponsored by the not-for-profit corporation requesting the license.

Attached for City Council review is a copy of all support documentation regarding this request.

**Votes Required to Pass:**

Simple majority





**Agenda Item No: 10b**

**City Council  
Agenda Supplement**

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**Meeting Date:** October 2, 2012

**Item:** Temporary Liquor License – Knights of Columbus Council #10678

**Staff Recommendation:** Motion to approve issuance of a Class “16” Temporary Liquor License to the Knights of Columbus Council #10678

**Staff Contact:** George Koczvara, Deputy City Manager

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**Background:**

The City has received a request from the Knights of Columbus Council #10678 for the issuance of a Class “16” Temporary Liquor License in order to sell beer and wine at their Oktoberfest event being held at the St. Elizabeth Ann Seton Church Community Center, located at 1023 McHenry Avenue, on October 13, 2012 from 5:00 p.m. to 10:00 p.m.

Section 329-5-P of the City Code permits the issuance of a Class “16” Temporary Liquor License for the retail sale of beer and wine for consumption upon the premises specified in the license where sold. The license shall be issued to not-for-profit corporations qualified to do business in the State of Illinois. The license shall be for a period not to exceed three (3) days, and shall be issued only for special events sponsored by the not-for-profit corporation requesting the license.

Attached for City Council review is a copy of all support documentation regarding this request.

**Votes Required to Pass:**

Simple majority



**Agenda Item No: 10c**

**City Council  
Agenda Supplement**

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**Meeting Date:** October 2, 2012

**Item:** Temporary Liquor License – Justin Schroeder Memorial Foundation

**Staff Recommendation:** Motion to approve issuance of a Class “16” Temporary Liquor License to the Justin Schroeder Memorial Foundation

**Staff Contact:** George Koczwar, Deputy City Manager

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**Background:**

The City has received a request from the Justin Schroeder Memorial Foundation for the issuance of a Class “16” Temporary Liquor License in order to sell beer and wine at the Foundation’s 8<sup>th</sup> annual fundraiser to be held at St. Elizabeth Ann Seton’s Community Center on October 20, 2012. The funds raised during this event will be used to fund two scholarship programs administered by the foundation. The first program is designated for a graduating senior at Crystal Lake South High School. The second is available to any qualifying McHenry County student who attends Marquette University to study engineering. These scholarship programs were established to honor the memory of Cathy and Kevin Schroeder’s son, Justin, who was a student at both Crystal Lake South High School and Marquette University.

Section 329-5-P of the City Code permits the issuance of a Class “16” Temporary Liquor License for the retail sale of beer and wine for consumption upon the premises specified in the license where sold. The license shall be issued to not-for-profit corporations qualified to do business in the State of Illinois. The license shall be for a period not to exceed three (3) days, and shall be issued only for special events sponsored by the not-for-profit corporation requesting the license.

Attached for City Council review is a copy of all support documentation regarding this request.

**Votes Required to Pass:**

Simple majority



**Agenda Item No: 11**

**City Council  
Agenda Supplement**

**Meeting Date:** October 2, 2012

**Item:** REPORT OF THE PLANNING & ZONING COMMISSION  
#2012-92 Kumi Sushi Final PUD Amendment

**Request:** Final PUD Amendment for wall signage, which exceeds the 75-square-foot UDO requirement including more than 50 square feet per facade and the PUD Tenant Sign Criteria, to allow a 52 inch high sign including logos at a total of 164.4 square feet of wall signage.

Aaron Ni, Petitioner  
1145 S. Route 31, Suite N

**PZC Recommendation:** To deny the petitioner's request.

**Staff Contact:** Michelle Rentzsch, Director of Planning and Economic Development

**Background:**

- Existing Use: Two in-line tenant retail buildings called Lutter Center Central Park.
- History: The project was approved in 2006 with a Tenant Sign Criteria.

**Key Factors:**

- PUD Requirement: The PUD approval required a Tenant Sign Criteria plan. The Tenant Sign Criteria limited the height of the letters to 24 inches or 30 inches if the text was double stacked. It also limited logos to 30 inches in height.
- Request: See table below for wall sign details.

UDO Requirement	Request	Variation
50 SF for inline tenants 75 SF for corner tenants	164.4 SF	Yes 89.4 SF
50 square feet per facade	77.4 SF front façade 64.8 SF side façade	Yes 27.4 SF Yes 14.8 SF

\*Although the petitioner is taking two spaces, the City only considers this as one space and would only permit 75 square feet of signage.

Tenant Sign Criteria	Request	Variation
Logos 30 inches high	Logo 36 inches high	Yes 6 inches
Text 24 inches high or 30 inches in total height if double stacked	Text 36 inches high Text and logo 52 inches total height	Yes 12 inches Yes 22 inches

**PZC Highlights:**

- The Planning and Zoning Commission noted that during the PUD approval they took great care in setting the design standards which included the Tenant Sign Criteria. They did not want to alter the criteria for one tenant as it opens the door for all of them to request larger signs.

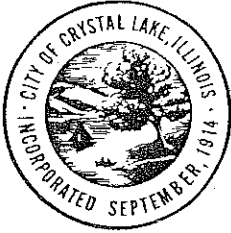
The Planning and Zoning Commission recommended **denial (6-0)** of the petitioner's request.

If a motion to approve the petitioner's request is made, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Wei Ni, received 08/28/12).
  - B. Sign Package (Monsibic Inc., dated 07/17/12, received 08/28/12).
2. The amendment to the Final PUD and Tenant Sign Criteria shall only be applicable to this tenant. All other tenants will need to meet the original criteria as approved.
3. The petitioner shall address all of the review comments of Engineering and Building, and Planning and Economic Development Departments.

**Votes Required to Pass:**

A super majority vote (5 votes).



#2012-92

## Lutter Center (Central Park Place) – Kumi Sushi Project Review for Planning and Zoning Commission

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<b><u>Meeting Date:</u></b>	September 19, 2012
<b><u>Request:</u></b>	Final PUD Amendment for wall signage, which exceeds the 75 square feet UDO requirement and the PUD Design Criteria for Tenant Sign, to allow 52 inch high letters and 164.4 square feet of wall signage.
<b><u>Location:</u></b>	1145 S. Route 31 (Lutter Center Central Park)
<b><u>Acreage:</u></b>	Tenant space approximately 2,080 square feet
<b><u>Zoning:</u></b>	B-2 PUD General Commercial Planned Unit Development
<b><u>Surrounding Properties:</u></b>	North B-2 PUD General Commercial South B-2 PUD General Commercial East B-2 PUD General Commercial West B-2 PUD General Commercial
<b><u>Staff Contact:</u></b>	Elizabeth Maxwell (815.356.3615)

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### **Background:**

- The Lutter Center Central Park in-line retail center was approved in 2006. As part of the approval a Tenant Sign Criteria was created.
- The Tenant Sign Criteria limited the height of the letters to 24 inches or 30 inches if the text was double stacked. It also limited logos to 30 inches in height.
- The UDO permits 75 square feet of wall signage for corner tenants. This can be split between the front, side and rear of the space.
- The petitioners are requesting a Final PUD Amendment to exceed the height permitted in the PUD Tenant Sign Criteria and the maximum 75 square feet of wall signage.

### **Development Analysis:**

- The property is zoned "B-2 PUD", General Commercial Planned Unit Development. This district is the City's primary commercial district accommodating highway service uses and community or regional commercial, office and service uses.
- Wall signage for this shopping center is regulated by the Tenant Sign Criteria. The petitioner is requesting a variation to allow letters up to 52 inches in height
- The standard UDO requirement is 75 square feet of wall signage per tenant in multi-tenant buildings. The petitioner is requesting 164.4 square feet of wall signage.

- The façade of the corner tenant space is larger than the interior spaces. The petitioner believes that the 24 inch letter height will look out of proportion with the façade and not be visible to passersby.

**Findings of fact:**

**Final Planned Unit Development Amendment**

The petitioner is requesting approval of a Final Planned Unit Development Amendment to allow wall signage as proposed. A Planned Unit Development is a Special Use and Special Uses require separate review because of their potential to impact surrounding properties and the orderly development of the City. The use itself is already approved, so the criteria listed are for the variation to the Final PUD.

Before recommending any variation, the Planning and Zoning Commission and the City Council shall first determine and record its findings that the evidence justifies the conclusions that the variation:

1. Will not impair an adequate amount of light and air to adjacent properties;  
 *Meets*                       *Does not meet*
2. Will not unreasonably diminish the value of adjacent property;  
 *Meets*                       *Does not meet*
3. Will not unreasonably increase the congestion in the public streets or otherwise endanger public safety; and  
 *Meets*                       *Does not meet*
4. Is in harmony with the general purpose and intents of the Zoning Ordinance.  
 *Meets*                       *Does not meet*

Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variations be denied.

**2030 Comprehensive Land Use Plan Review:**

The Comprehensive Land Use Plan designates the property in question as Commerce, which is intended for areas of commercial and business activity. The following goals are applicable to this request:

**Land Use**

**Goal:** Maintain a dynamic and sustainable base of commercial uses that provides a solid tax base, goods, services and jobs to the city as well as the surrounding region through coordination in the Unified Development Ordinance, Comprehensive Land Use Plan and Economic Development Strategic Plan.

This can be accomplished by the following supporting action and success indicator:

**Supporting Action:** Promote, retain and attract businesses that provide a diverse tax base.

**Success Indicator:** The number of new “mom and pop” occupancies.

Economic Development

**Goal:** Establish marketing efforts to attract and retain businesses throughout the City.

This can be accomplished by the following supporting action and success indicator:

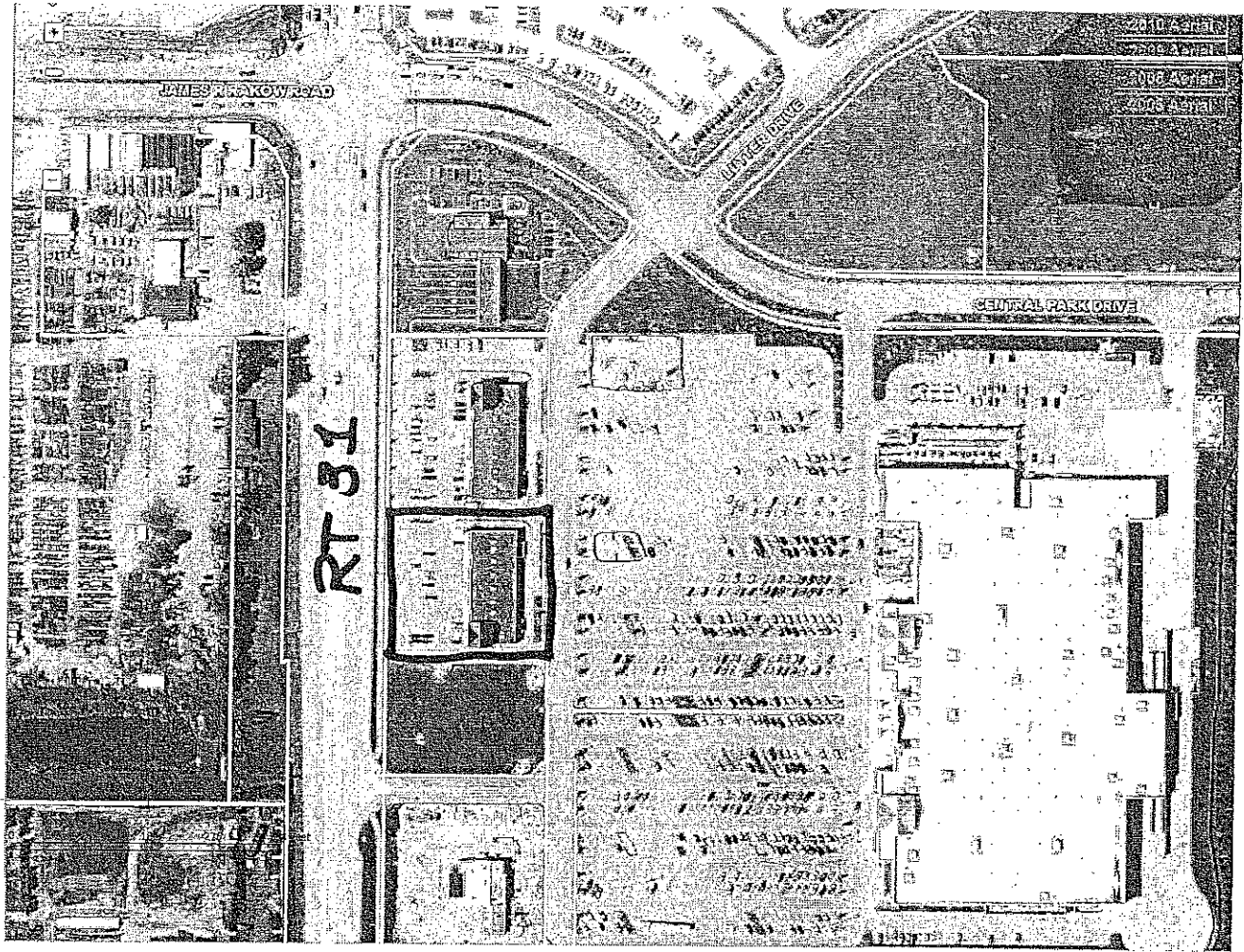
**Supporting Action:** Continue to solicit the retail businesses which are most likely to succeed in various retail nodes in Crystal Lake.

**Success Indicator:** The number of retail businesses contacted, started and/or relocated.

Recommended Conditions:

A motion to recommend approval of the Final Planned Unit Development Amendment and Variation and the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Wei Ni, received 08/28/12).
  - B. Sign Package (Monsibic Inc., dated 07/17/12, received 08/28/12).
2. The amendment to the Final PUD and Tenant Sign Criteria shall only be applicable to this tenant. All other tenants will need to meet the original criteria as approved.
3. The petitioner shall address all of the review comments of Engineering and Building, and Planning and Economic Development Departments.







**Agenda Item No: 12**

**City Council  
Agenda Supplement**

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<b><u>Meeting Date:</u></b>	October 2, 2012
<b><u>Item:</u></b>	City Code Amendment to Increase the Number of Class "2" Liquor Licenses– Applicant: Kumi Sushi
<b><u>Staff Recommendation:</u></b>	Motion to adopt an ordinance increasing the number of Class "2" Liquor Licenses from the current permitted 6 licenses to 7 licenses.
<b><u>Staff Contact:</u></b>	George Koczvara, Deputy City Manager

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**Background:**

The City has received a request from Wei Ni, owner of Kumi Sushi Restaurant, for the Council to consider the adoption of an ordinance providing for an amendment to the liquor license restriction provisions of the City Code, increasing the number of Class "2" liquor licenses from the current 6 licenses to 7 licenses. Kumi Sushi Restaurant will be located at 1145 Route 31 in the outlot in front of WalMart.

Section 329-5-B of the City Code permits the issuance of a Class "2" liquor license for the retail sale, on the premises specified, of alcoholic liquor, for consumption, on the premises between the hours of 11:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 11:00 a.m. and 2:00 a.m. Friday and Saturday; and noon on Sunday and 1:00 a.m. on Monday.

Other current holders of a Class "2" liquor license are Chez Pierre's Creperie, El Zarape Restaurant, Jameson's Charhouse, Krystal Thai, Wild Orchid Thai Bistro, and Williams Street Public House.

**Votes Required to Pass:**

Simple majority



**Agenda Item No: 13**

**City Council  
Agenda Supplement**

**Meeting Date:**

October 2, 2012

**Item:**

REPORT OF THE PLANNING & ZONING COMMISSION

#2012-97 Nagel, 215 Union Street

Simplified Residential Variation from Article 7, Nonconformities, to allow an addition to the residence to encroach into the required front setback and be as close as 10 feet from the front property line instead of the required 35.5 feet

Daniel Nagel, 215 Union Street

**PZC Recommendation:**

Motion to deny the petitioner's request.

**Staff Contact:**

Michelle Rentzsch, Director of Planning and Economic Development

**Background:**

- Lot Information: Platted in 1930. The lot is considered an existing nonconforming lot, which does not meet the minimum lot width for a property in the "R-2" district.
- Existing Improvements: Brick residence with one car detached garage

**Key Factors**

- Details: The request is to allow expansion of the existing residence along the front to add a two-story addition including an attached two-car attached garage. The existing one car detached garage will be demolished. The proposed attached garage will be side loaded and the portion of the driveway leading to the detached garage will be removed.
- Dimensional Standards: The property is considered an existing non-conforming property as it does not meet the minimum required 70 foot lot width for a property in the "R-2" district. Per Article 7, Nonconformities of the UDO, the required front setback is the average existing setback of the dwellings on the two closest lots. For this property, it is calculated to be 35.5 feet. The proposed addition will be as close as 10 feet to the front property line.

	UDO requirement	Existing/Proposed
Lot width	70 feet	64 feet (existing nonconforming)

Required front setback	35.5 feet	10 feet (proposed)
Minimum side setback	4.9 feet (minimum); 12.6 feet (combined)	10 feet (existing and proposed) on the east side; 21.74 combined (existing and proposed)

- Hardship: The petitioner has indicated that lot layout does lend itself for another location on the property to add an attached garage.

***PZC Highlights***

- At the Planning and Zoning Commission meeting, the petitioner indicated that because the lot was of a non-conforming width, there was no other suitable location on the lot for an addition. Adding to the front of the residence would allow the removal of a large portion of the driveway, reducing the imperious coverage.
- Several neighbors were present at the public hearing. One of the neighbors felt that the proposed addition would increase the property values in the area. Two of the neighbors felt that it would adversely affect the neighborhood.
- The Commissioners felt that that the proposed addition was too close to the right-of-way and that it would change the character of the neighborhood. The Commission felt that this request did not meet all the findings of fact for a variation.
- The PZC recommended **denial (6-0)** of the request.

If the City Council recommends approval of the petitioner’s request, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application, received 8-31-2012
  - B. Plat of Survey, Site Plan, Sketches, received 8-31-12
2. A variation from the required front yard setback of 35.5 feet to allow the proposed addition to be 10 feet is hereby granted.
3. The existing detached garage and the portion of the driveway leading to it will be removed with six months of receiving approval of the final inspection.
4. The proposed addition will be architecturally compatible with the existing residence.
5. A grading plan consisting of existing and proposed grades is required. Existing grading and drainage patterns must be maintained.
6. The petitioner shall address all of the review comments and requirements of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.

**Votes Required to Pass:** A simple majority vote to deny the petitioner's request. A super majority is required to overturn the PZC's recommendation and approve the petitioner's request.



#2012-97

Nagel - 215 Union Street

Project Review for Planning and Zoning Commission

**Meeting Dates:** September 19, 2012

**Requests:** Simplified Residential Variation from Article 7, Nonconformities, to allow an addition to the residence to encroach into the required front setback and be as close as 10 feet from the front property line instead of the required 35.5 feet

**Location:** 215 Union Street

**Acreage:** ≈ 8,437 SF (0.19 acres)

**Existing Zoning:** "R-2 PUD" Single-Family Residential PUD

**Surrounding Properties:**

North:	"R-2" Single-Family Residential
South:	"R-3A" Two-Family Residential
East:	"R-2" Single-Family Residential
West:	"R-2" Single-Family Residential

**Staff Contact:** Latika Bhide (815.356.3615)

**Background:**

- **Location:** 215 Union Street, west of Wallace Avenue
- **Zoning:** "R-2" Single-Family Residential
- **Development:** Uteg's 3<sup>rd</sup> addition, platted in 1930
- **Existing Improvements:** Brick residence with one car detached garage
- **Request:** Variation to allow an addition to the residence to encroach into the required front setback and be as close as 10 feet from the front property line instead of the required 35.5 feet



**Land Use Analysis:**

- **Details:** The request is to allow expansion of the existing residence along the front to add a two-car attached garage. The existing one car detached garage will be demolished. The proposed attached garage will be side loaded and the portion of the driveway leading to the detached garage will be removed.

- Dimensional Standards: The property is considered an existing non-conforming property as it does not meet the minimum required 70 feet lot width for a property in the "R-2" district. Per Article 7, Nonconformities of the UDO, the required front setback is the average existing setback of the dwellings on the two closest lots. For this property, it is calculated to be 35.5 feet. The proposed addition will be as close as 10 feet to the front property line.
- Hardship: The petitioner has indicated that lot layout does lend itself for another location on the property to add an attached garage.

**Findings of Fact:**

**UNIFIED DEVELOPMENT ORDINANCE VARIATION**

The granting of a Variation rests upon the applicant proving practical difficulty or hardship caused by the Unified Development Ordinance requirements as they relate to the property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing. Before recommending any Variation, the Planning and Zoning Commission and City Council shall first determine and record its findings that the evidence justifies the conclusions that:

1. The plight of the property owner is due to unique circumstances, such as, unusual surroundings or conditions of the property involved, or by reason of exceptional narrowness, shallowness or shape of a zoning lot, or because of unique topography, or underground conditions.  
 True                       False
2. Also, that the variation, if granted, will not alter the essential character of the locality.  
 True                       False

The Commission may take into consideration the extent to which the following facts favorable to the application have been established by the evidence presented at the public hearing:

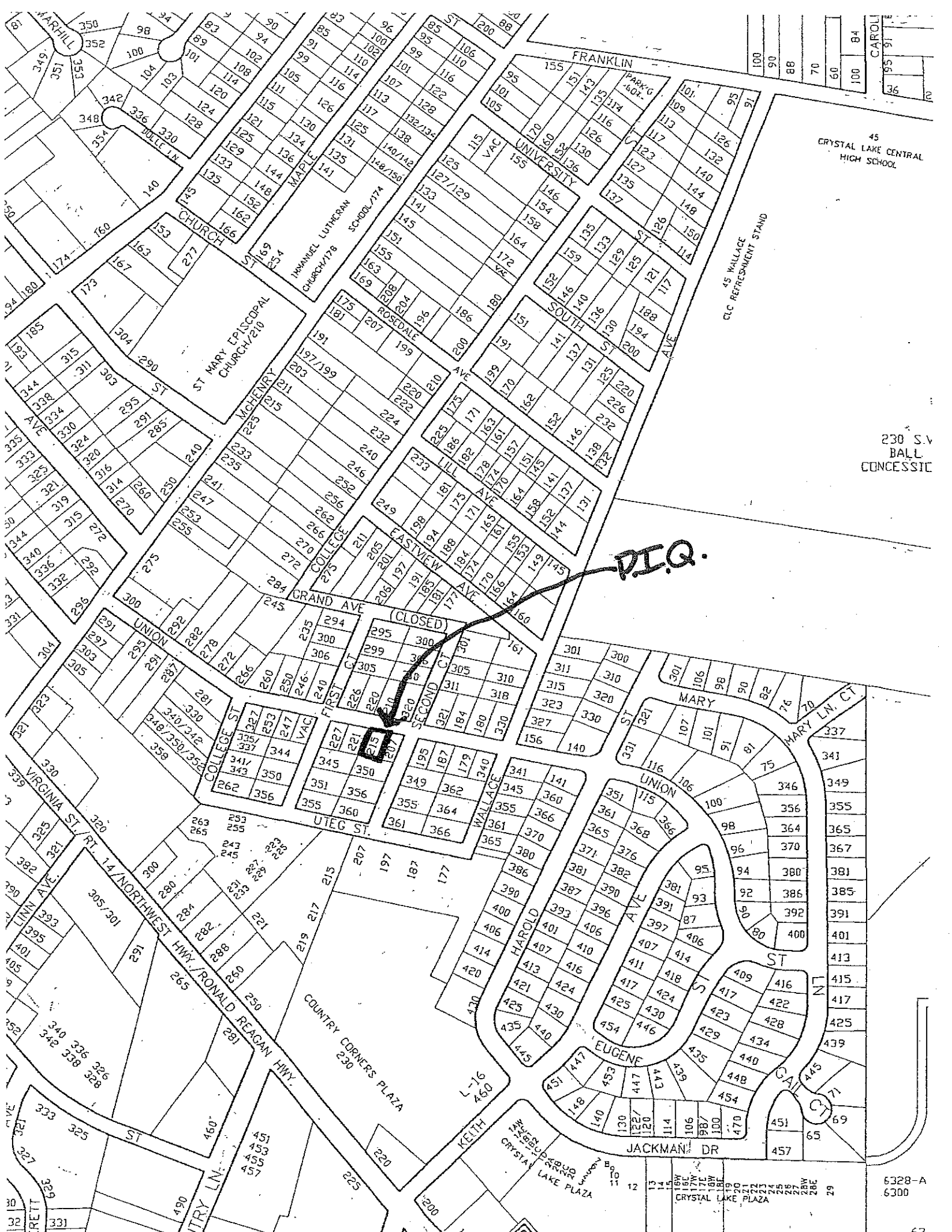
1. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification;  
 True                       False
2. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;  
 True                       False
3. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or  
 True                       False
4. That the proposed variation will not impair an adequate supply of light or air to adjacent property, will not unreasonably diminish or impair the property values of adjacent property, will not unreasonably increase congestion in the public streets, substantially increase the danger of fire or otherwise endanger public safety.  
 True                       False

Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the Variation be denied.

**Recommended Conditions:**

If a motion is made to recommend approval of the petitioner's request, the following conditions are suggested:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application, received 8-31-2012
  - B. Plat of Survey, Site Plan, Sketches, received 8-31-12
2. A variation from the required front yard setback of 35.5 feet to allow the proposed addition to be 10 feet is hereby granted.
3. The existing detached garage and the portion of the driveway leading to it will be removed with six months of receiving approval of the final inspection.
4. The proposed addition will be architecturally compatible with the existing residence.
5. A grading plan consisting of existing and proposed grades is required. Existing grading and drainage patterns must be maintained.
6. The petitioner shall address all of the review comments and requirements of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.



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HIGH SCHOOL

45 WALLACE  
CLC REFRESHMENT STAND

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**Agenda Item No: 14**

**City Council  
Agenda Supplement**

**Meeting Date:** October 2, 2012

**Item:** REPORT OF THE PLANNING & ZONING COMMISSION

#2012-96 CrossFit Crystal Lake

Use Variation for a "Physical Fitness Facility/Strength development centers" to allow a strength and conditioning gym within the R-3B zoning district.

CrossFit Crystal Lake, 110 W. Woodstock Street

**PZC Recommendation:** Motion to approve the Planning and Zoning Commission recommendation and adopt an ordinance granting a use variation to allow a strength and conditioning gym within the R-3B district at 110 W. Woodstock Street.

**Staff Contact:** Michelle Rentzsch, Director of Planning and Economic Development

**Background:**

- Existing Uses: Walter Alarm Services, Curran Martial Arts, Boss Office Products, Senior Services.

***Key Factors***

- History: The property was rezoned in 2008 to the multi-family residential zoning district as part of the Preliminary PUD approval for a 57-unit townhome residential development. This development has not been constructed, though an extension has been granted until 2013. The existing uses are considered non-conforming, but allowed to continue as long as they are not intensified. Prior to the rezoning in 2008, the site was zoned "M" Manufacturing. A Use Variation to allow the Curran Martial Arts Facility was granted in 2011.
- Land Use: A strength and conditioning gym is considered as "Physical Fitness Facility/Strength development centers" per Article 2, Land Use of the UDO. This use is a permitted use in the 'O', 'B-1', 'B-2', 'B-4' and 'M-L' zoning districts. Since the property is zoned "R-3B" this use is not permitted, thereby requiring the Use Variation. The use requires a variation in this zoning district, but will fit with the other current uses of the building.

- Proposed Use: CrossFit Crystal Lake, Inc. provides strength and conditioning training. The proposed floor plan shows an open workout space, a multi-use room, a lounge area, office, a utility room and a bathroom.
- Parking: This use requires 6.4 spaces per 1,000 GFA, therefore requiring 18 spaces. There are approximately 100 spaces on site, providing sufficient parking for this and other existing uses.

***PZC Highlights***

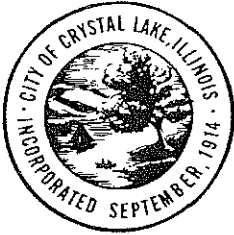
- The Planning and Zoning Commission had no concerns with the request and felt that the request met all the findings of fact for a use variation.
- The PZC recommended **approval (6-0)** of the request.

The following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application, Project Description - received 8-31-12
  - B. Floor Plan, Mailey, received 8-31-12
2. The Use Variation applies only to CrossFit Crystal Lake, Inc.
3. Per Ord. 6711 (Use Variation for the Curran Martial Arts Academy) the parking lot shall be restriped within 1 year to ensure the striping is visible and customers have a clear understanding on where to park.
4. Information must be provided for the mats and interior surfaces and finishes and must meet the flame and smoke ratings.
5. A new floor that includes the alteration of walls may require alterations to the sprinkler or fire alarm systems. Note that any modifications to the sprinkler or alarm system will require separate permits.
6. Toilet facilities must be provided based on the plumbing occupant load calculation. A building permit is required for the construction of the toilet rooms.
7. Exiting requirements shall be determined by the calculated occupant load.
8. Installation of guardrails at the loading dock area is required due to the change of use from S-1 to an assembly use.
9. Any proposed signage must meet the requirements for a multi-tenant building in the Manufacturing District.
10. An occupancy inspection is required. All life safety issues including Exit Signs, Emergency lights, accessible hardware, exiting, etc. shall be addressed during the inspection.
11. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.

**Votes Required to Pass:**

A simple majority vote.



#2012-96

CrossFit Crystal Lake, Inc.

Project Review for Planning and Zoning Commission

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**Meeting Date:**

September 19, 2012

**Requests:**

Use Variation for a "Physical Fitness Facility/Strength development centers" to allow a strength and conditioning gym within the R-3B zoning district.

**Location:**

110 W. Woodstock Street, Suite C

**Acreage:**

Approximately 2,821 SF tenant suite

**Zoning:**

R-3B PUD Multi-Family Zoning District

**Surrounding Properties:**

North: "M" Manufacturing (vacant)

South: "O" Office (former Police/Fire Station - vacant)

East: "M" Manufacturing (City Hall)

West: "R-3B" Multi-Family Residential

**Staff Contact:**

Latika Bhide (815.356.3615)

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**Background:**

- Location: 110 W. Woodstock Street, Suite C
- Zoning: "R-3B" Multi-Family Residential
- Existing Uses: Walter Alarm Services, Curran Martial Arts, Boss Office Products, Senior Services
- Request: Use Variation for a "Physical Fitness Facility/Strength development centers" to allow a strength and conditioning gym within the R-3B zoning district

**Land Use Analysis:**

- History: The property was rezoned in 2008 to the multi-family residential zoning district as part of the Preliminary PUD approval for a 57-unit townhome residential development. This development has not been constructed, though an extension has been granted until 2013. The existing uses are considered non-conforming, but allowed to continue as long as they are not intensified. Prior to the rezoning in 2008, the site was zoned "M" Manufacturing. A Use Variation to allow the Curran Martial Arts Facility was granted in 2011.
- Land Use: A strength and conditioning gym is considered as "Physical Fitness Facility/Strength development centers" per Article 2, Land Use of the UDO. This use is a permitted use in the 'O', 'B-1', 'B-2', 'B-4' and 'M-L' zoning districts. Since the property is zoned "R-3B" this use is not permitted, thereby requiring the Use Variation. The use requires a variation in this zoning district, but will fit with the other current uses of the building.

- Proposed Use: CrossFit Crystal Lake, Inc. provides strength and conditioning training. The proposed floor plan shows an open workout space, a multi-use room, a lounge area, office, a utility room and a bathroom.
- Parking: This use requires 6.4 spaces per 1,000 GFA, therefore requiring 18 spaces. There are approximately 100 spaces on site, providing sufficient parking for this and other existing uses.

**Findings of Fact:**

**USE VARIATION**

As identified in the Land Use Table, the proposed use is not permitted within the R-3B zoning district, which is intended for multi-family uses. It should be noted that this use will have a limited daytime activity and is expected to be busier in the evenings and weekends. The Planning and Zoning Commission should view the request in light of the current uses within the building rather than the residential zoning district.

No specific standards are spelled out in the Unified Development Ordinance for granting use variations. However, it is recommended that the Planning and Zoning Commission and City Council first determine and record its findings that the evidence justifies the conclusions that:

The property cannot be used for purposes permitted in the zoning district without the requested variance;

Meets  Does not meet

The proposed use would not alter the essential character of the area in which the property is located;

Meets  Does not meet

The proposed use will not reasonably diminish the value of adjacent property;

Meets  Does not meet

The proposed use will not unreasonably increase the congestion in the public streets or otherwise endanger public safety; and

Meets  Does not meet

The proposed use is in harmony with the general purpose and intents of the Unified Development Ordinance.

Meets  Does not meet

Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the Variation be denied.

**Comprehensive Land Use Plan 2020 Vision Summary Review:**

The Comprehensive Land Use Plan designates the property in question as Residential, which represents existing manufacturing areas and indicates areas for future industrial uses. Within the Commerce/Office/Industry Land Use section of the Comprehensive Plan, the following goal and objectives are applicable to this request:

**Goal: Encourage a diversity of high quality housing in appropriate locations throughout the city that supports a variety of lifestyles and invigorates community character.**

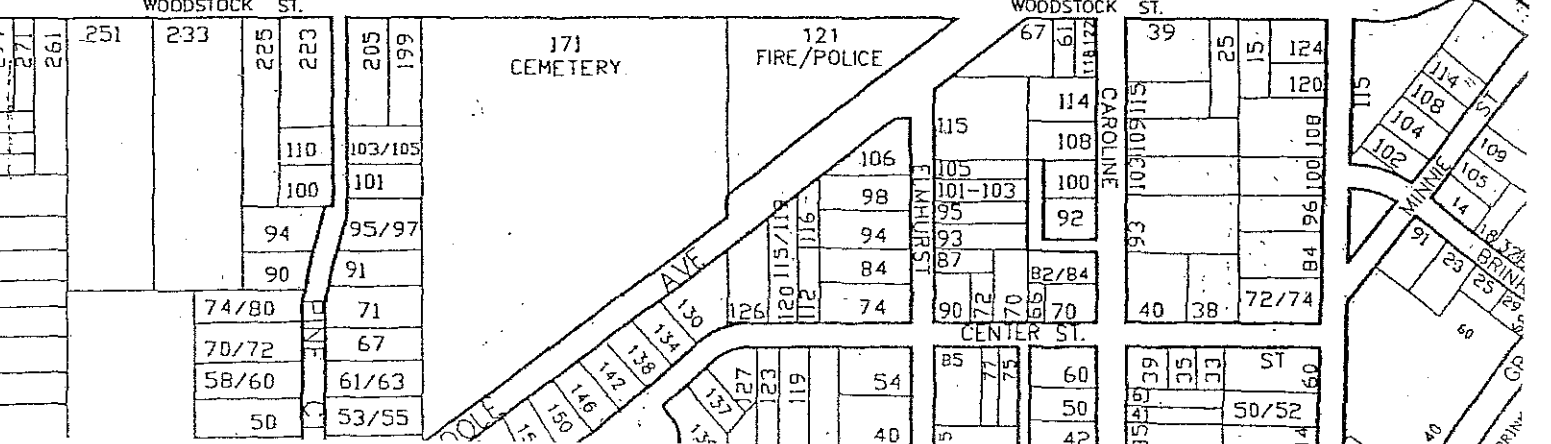
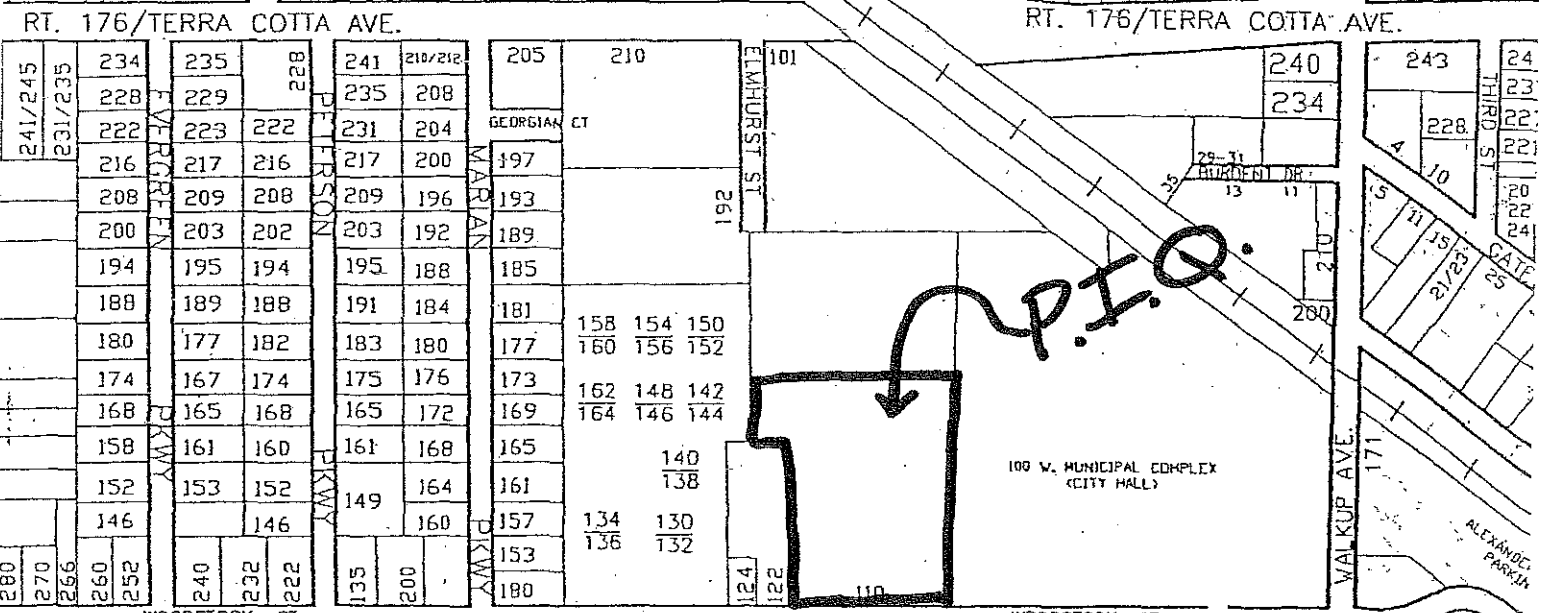
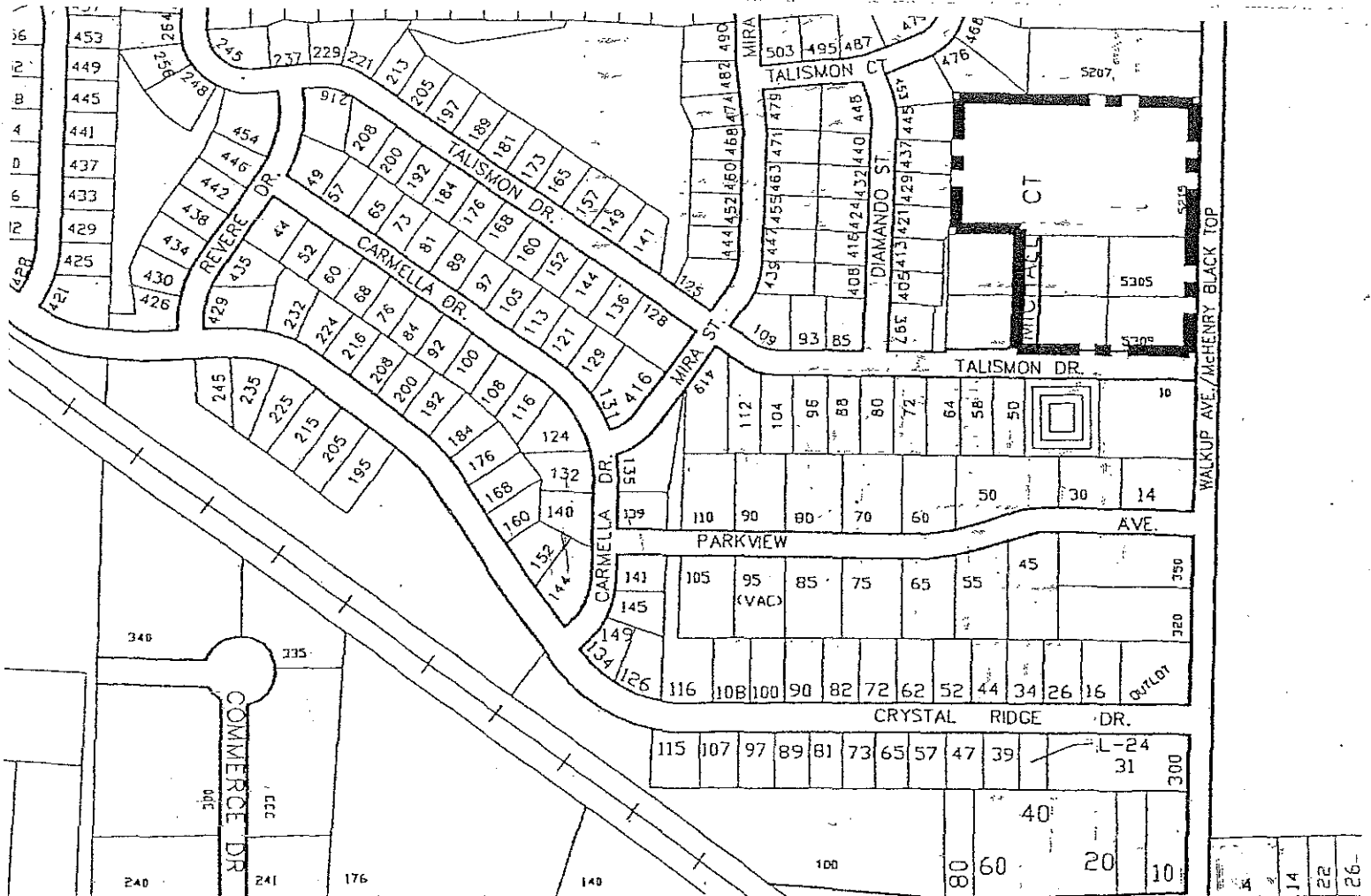
**Objective #5** Encourage mixed-use developments that allow people to live, work and play in the same area.

- Target undeveloped areas or encourage the redesign of appropriate developed areas to incorporate different uses.

**Recommended Conditions:**

If a motion to recommend approval of the Use Variation, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application, Project Description - received 8-31-12
  - B. Floor Plan, Mailey, received 8-31-12
2. The Use Variation applies only to CrossFit Crystal Lake, Inc.
3. Per Ord. 6711 (Use Variation for the Curran Martial Arts Academy) the parking lot shall be restriped within 1 year to ensure the striping is visible and customers have a clear understanding on where to park.
4. Information must be provided for the mats and interior surfaces and finishes and must meet the flame and smoke ratings.
5. A new floor that includes the alteration of walls may require alterations to the sprinkler or fire alarm systems. Note that any modifications to the sprinkler or alarm system will require separate permits.
6. Toilet facilities must be provided based on the plumbing occupant load calculation. A building permit is required for the construction of the toilet rooms.
7. Exiting requirements shall be determined by the calculated occupant load.
8. Installation of guardrails at the loading dock area is required due to the change of use from S-1 to an assembly use.
9. Any proposed signage must meet the requirements for a multi-tenant building in the Manufacturing District.
10. An occupancy inspection is required. All life safety issues including Exit Signs, Emergency lights, accessible hardware, exiting, etc. shall be addressed during the inspection.
11. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.





**Agenda Item No: 15**

**City Council  
Agenda Supplement**

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<b><u>Meeting Date:</u></b>	October 2, 2012
<b><u>Item:</u></b>	REPORT OF THE PLANNING & ZONING COMMISSION #2012-95 Wickenkamp Simplified Residential Variation
<b><u>Request:</u></b>	Variation to allow a covered front porch to encroach 10.8 feet into the required 25.5-foot average front yard setback.  Steven Wickenkamp, Petitioner 141 Ellsworth Street
<b><u>PZC Recommendation:</u></b>	To deny the petitioner's request.
<b><u>Staff Contact:</u></b>	Michelle Rentzsch, Director of Planning and Economic Development

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**Background:**

- Existing Use: Single-family residence built 21.6 feet from the front property line. The house, when constructed, met the front yard setback.

**Key Factors:**

- Request: Construction of a front porch, extending approximately 7 feet from the front of the house. This would make the principal structure encroach 10.8 feet into the required front yard setback.
- UDO Standard: In the case of varying setbacks for existing residential areas, the average of the two closest dwelling units is taken. The houses on either side of this property are set farther back. The average front yard setback is 25.5 feet.

**PZC Highlights:**

- The Planning and Zoning Commission discussed the fact that the front porch would look nice and add a much needed improvement to the house, but could not support this request since they found no case for a hardship.

The Planning and Zoning Commission recommended **denial (4-2)** of the petitioner's request.

If a motion to approve the petitioner's request is made, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Wickenkamp, received 09/13/12)
  - B. Plat of Survey/Site Plan (Luco Constuction, dated 06/07/05, received 08/31/12)
  - C. Porch construction details (Peytrone, undated, received 08/31/12)
2. A variation to allow encroachment into the required front yard setback by 10.88 feet for a covered front porch.
3. The petitioner shall comply with all of the requirements of the Engineering and Building, and Planning and Economic Development Departments.

**Votes Required to Pass:** A super majority vote (5 votes).





#2012-95

141 Ellsworth Street (Wickenkamp)

Project Review for Planning and Zoning Commission

**Meeting Date:**

September 19, 2012

**Request:**

Variation (Article 3-300 B 3) to allow a covered front porch to encroach 10.88 feet into the required 25.5-foot average front yard setback.

**Location:**

141 Ellsworth Street

**Acreage:**

Approximately 8,700 square feet

**Existing Zoning:**

R-3 A Two Family Residential

**Surrounding Properties:**

North: R-3 A Two Family Residential  
South: R-3 A Two Family Residential  
East: R-3 A Two Family Residential  
West: R-3 A Two Family Residential

**Staff Contact:**

Elizabeth Maxwell (815.356.3615)

**Background:**

- The house is currently 21.6 feet from the property line. In cases of varying setbacks in existing residential areas, the average of the two closest dwellings is taken. The average front yard setback is 25.5 feet.
- The deck will be constructed 7 feet out from the front of the house.
- The proposed front porch will encroach 10.88 feet into the required setback. It will be approximately 18.6 feet from the sidewalk.



**Zoning Analysis:**

**Variation**

- Covered or enclosed decks, patios, porches or stairs become part of the principal structure and must meet all required setbacks.

**Findings of Fact:**

**ZONING ORDINANCE VARIATIONS**

The Unified Development Ordinance lists specific standards for the review and approval of a variation. The granting of a variation rests upon the applicant proving practical difficulty or hardship caused by the Ordinance requirements as they relate to the property. To be considered a zoning hardship, the specific zoning requirements; setbacks, lot width and lot area must create a unique situation on this property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing.

**Standards**

When evidence in a specific case shows conclusively that literal enforcement of any provision of this Ordinance would result in a practical difficulty or particular hardship because:

- a. The plight of the property owner is due to unique circumstances, such as, unusual surroundings or conditions of the property involved, or by reason of exceptional narrowness, shallowness or shape of a zoning lot, or because of unique topography, or underground conditions.  
 *Meets*                       *Does not meet*
- b. Also, that the variation, if granted, will not alter the essential character of the locality.  
 *Meets*                       *Does not meet*

For the purposes of supplementing the above standards, the Commission may take into consideration the extent to which the following facts favorable to the application have been established by the evidence presented at the public hearing:

- a. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification;  
 *Meets*                       *Does not meet*
- b. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;  
 *Meets*                       *Does not meet*
- c. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or  
 *Meets*                       *Does not meet*
- d. That the proposed variation will not impair an adequate supply of light or air to adjacent property, will not unreasonably diminish or impair the property values of adjacent property, will not unreasonably increase congestion in the public streets, substantially increase the danger of fire or otherwise endanger public safety.  
 *Meets*                       *Does not meet*

Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation be denied.

**Comprehensive Land Use Plan 2020 Vision Summary Review:**

The Comprehensive Plan designates the subject property as Urban Residential, which allows for existing and future residential areas including a combination of single-family and multi-family housing types. The following goals are applicable to this request:

Land Use

**Goal: Encourage a diversity of high quality housing in appropriate locations throughout the City that supports a variety of lifestyles and invigorates community character.**

This can be accomplished with the following supporting action:

**Supporting Action:** Preserve and enhance the character and livability of existing residential areas with architectural and development guidelines.

**Success Indicators:** The use of the Pattern Book in reviewing residential building permit submittals.

Housing

**Goal: Promote strong neighborhoods by preserving their character and historical significance and ensuring that they are well served by a variety of community facilities and services.**

This can be accomplished with the following supporting action:

**Supporting Action:** Preserve the unique character of existing neighborhoods.

**Recommended Conditions:**

If a motion to recommend approval of the Simplified Residential Variation at 141 Ellsworth Street is granted, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Wickenkamp, received 09/13/12)
  - B. Plat of Survey/Site Plan (Luco Constuction, dated 06/07/05, received 08/31/12)
  - C. Porch construction details (Peytrone, undated, received 08/31/12)
2. A variation to allow encroachment into the required front yard setback by 10.88 feet for a covered front porch.
3. The petitioner shall comply with all of the requirements of the Engineering and Building, and Planning and Economic Development Departments.





**Agenda Item No: 16**

**City Council  
Agenda Supplement**

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**Meeting Date:** September 18, 2012, continued to October 2, 2012

**Item:** REPORT OF THE PLANNING & ZONING COMMISSION  
#2012-91 Harkins Special Use Permit

**Request:** Special Use Permit to allow an accessory structure over 600 square feet.  
  
Redmond Harkins  
73 Lincoln Parkway

**PZC Recommendation:** Deny the petitioner's request

**Staff Contact:** Michelle Rentzsch, Director of Planning and Economic Development

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**Background:**

- Existing Use: Single-family residence with 24' x 30' (720 SF) detached garage.
- History: The petitioner agreed to the condition to split the two dormers, eliminating this variation request.
- History: Since the PZC meeting, the petitioner has agreed to eliminate the variation request, thereby meeting the minimum 5-foot setback requirement.

**Key Factors:**

- Request: The petitioner will construct a new 24 x 40 (960 SF) garage with a full basement and second floor attic space.
- UDO Standard: Since the garage has usable space on all three floors, the square footage of all three floors is calculated. The accessory structure size is 2,880 square feet.
- UDO Standard: Accessory structures over 600 square feet require a Special Use Permit.
- Elevation: The new garage would have a double bay overhead garage door in the front facing Lincoln Parkway and a single bay overhead door in the rear.

**PZC Highlights:**

The Planning and Zoning Commission had several items they discussed:

- Some of the commission members felt that the garage was too large and that it was out of character for the neighborhood. A comment was made that accessory structures should not have basements or plumbing.
- There was also concern over the request for the side yard variation. Since this was a completely new structure, the garage should be able to meet the required setbacks. Since the PZC meeting, the petitioner has decided to drop the side yard variation request.

The Planning and Zoning Commission recommended **denial (7-2)** of the petitioner's request.

If the City Council chooses to approve the request, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Harkins, received 08/13/12)
  - B. Architectural Plan Set (Unnamed, dated 08/09/12, received 08/13/12)
2. The garage shall not be utilized for living quarters.
3. Expansion of the garage in size and or volume shall require an amendment to the Special Use Permit.
4. The dormer should be split into two dormers, not exceeding 8 feet each in length, for a total of 16 feet of dormer area.
5. The garage shall not be located within any Public Utility Easement, Municipal Utility Easement or Public or Private Drainage Easement.
6. The north wall of the garage shall be 1-hour fire rated. New ventilation for the second floor is required as eave vents are not permitted. *(If the petitioner meets the minimum 5-foot setback, the wall does not need to be fire rated.)*
7. The petitioner shall comply with all of the requirements of the Engineering and Building, Fire Rescue, Public Works and Planning and Economic Development Departments.

**Update:**

- Through discussions with the petitioner and the Building Division, the floor will be pre-cast concrete with a membrane on top of that with an additional layer of 2 inches of concrete on the membrane.
- The petitioner also plans to install a floor drain to trap any oil, gas, water, etc. that can leak onto the floor.

**Votes Required to Pass:** A super majority vote (5 votes) to overturn the PZC's negative recommendation and approve the project.



**#2012-91**  
**73 Lincoln Parkway (Harkins)**  
**Project Review for Planning and Zoning Commission**

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**Meeting Date:** September 5, 2012

**Zoning Requests**

- 1) A Special Use Permit for a detached accessory structure greater than 600 square feet to allow a garage at 2,880 square feet.
- 2) A variation to the required 5-foot side yard setback to allow the garage to be 3.82 feet from the property line.
- 3) A variation from the maximum 20% of the side's length of a dormer to allow a dormer at 24.5 feet which is 61% of the side's length.

**Location:** 73 Lincoln Parkway

**Acreage:** 19,898 sq. ft.

**Existing Zoning:** R-2 Single-family Residential

**Surrounding Properties:**

North: R-2 Single Family Residential  
South: R-2 Single Family Residential  
East: R-2 Single Family Residential  
West: R-2 Single Family Residential

**Staff Contact:** Elizabeth Maxwell (815.356.3615)

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**Background:**

- The homeowner would like to remove an existing garage and construct a new garage. The new garage would be 960 square feet in area on each floor for a total of 2,880 square feet, requiring the Special Use Permit.
- The homeowner is requesting to keep the new garage in the same location as the existing garage, which is 3.82 feet from the property line. All accessory structures are required to be a minimum of 5 feet from a side or rear property line.



73 Lincoln  
Parkway garage

**Land Use Analysis:**

**Special Use Permit**

- Accessory structures over 600 square feet require a Special Use Permit.
- The Special Use Permit process is designed to ensure there is no adverse impact to the surrounding property owners due to large accessory structures.
- Each floor of the structure is 960 square feet, for a total of 2,880 square feet.

**Setback**

- Accessory structures are required to be a minimum of 5 feet from any rear or side property line. The existing garage is only 3.82 feet from the side yard property line. Since the existing garage will be removed any existing non-conformity is lost. The new garage should meet the required setbacks.

**Dormer size**

- Accessory structures are permitted to have a continuous dormer at a length not to exceed 20% of the structure's side length. In this case, that would be 8 feet.
- Accessory structures can have up to two dormers for a total length not to exceed 40% of the structure's side length. This would allow two dormers at a total of 16 feet.
- If the dormers are separated into two dormers and the center portion removed, it would meet ordinance requirements. A condition of approval to this affect has been added.

**Height**

- An accessory structure is permitted to be 15 feet tall. This height is measured at the midpoint of the roof line. The height of this garage is 15 feet.

**Stories**

- Stories are measured based on the height of the wall plates. Any wall plate over 4 feet in height constitutes a story. With a gambrel roof, the wall plates are only about a foot high for the upper floor, therefore, this structure is only one story in height.

**Findings of Fact:**

**SPECIAL USE PERMIT**

Special Uses require a separate review because of their potential to impact surrounding properties and the orderly development of the City. Section 2-400 of the Unified Development Ordinance establishes standard for all Special Uses in Crystal Lake. The criteria are as follows:

1. That the proposed use is necessary or desirable, at the location involved, to provide a service or facility which will further the public convenience and contribute to the general welfare of the neighborhood or community.

*Meets*                       *Does not meet*

2. That the proposed use will not be detrimental to the value of other properties or improvements in the vicinity.

*Meets*                       *Does not meet*



3. That the proposed use will comply with the regulations of the zoning district in which it is located and this Ordinance generally, including, but not limited to, all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, watershed, wetlands, and flood plain regulations, Building and Fire Codes and all other applicable City Ordinances.

Meets                       Does not meet

4. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and, if required, will contribute financially, in proportion to its impact, to upgrading roadway and parking systems.

Meets                       Does not meet

5. That the proposed use will not negatively impact existing public utilities and municipal service delivery systems and, if required, will contribute financially, in proportion to its impact, to the upgrading of public utility systems and municipal service delivery systems.

Meets                       Does not meet

6. That the proposed use will not impact negatively on the environment by creating air, noise, or water pollution; ground contamination; or unsightly views.

Meets                       Does not meet

7. That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; provide landscaping in forms of ground covers, trees and shrubs; and provide architecture, which is aesthetically appealing, compatible or complementary to surrounding properties and acceptable by community standards, as further detailed in Article 4, Development and Design Standards.

Meets                       Does not meet

8. That the proposed use will meet standards and requirements established by jurisdictions other than the City such as Federal, State or County statutes requiring licensing procedures or health/safety inspections, and submit written evidence thereof.

Meets                       Does not meet

9. That the proposed use shall conform to any stipulations or conditions approved as part of a Special Use Permit issued for such use.

Meets                       Does not meet

10. That the proposed use shall conform to the standards established for specific special uses as provided in this section.

Meets                       Does not meet

ZONING ORDINANCE VARIATIONS

The Unified Development Ordinance lists specific standards for the review and approval of a variation. The granting of a variation rests upon the applicant proving practical difficulty or hardship caused by the Ordinance requirements as they relate to the property. To be considered a zoning hardship, the specific zoning requirements; setbacks, lot width and lot area must create a unique situation on this property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing.

Standards

When evidence in a specific case shows conclusively that literal enforcement of any provision of this Ordinance would result in a practical difficulty or particular hardship because:

- a. The plight of the property owner is due to unique circumstances, such as, unusual surroundings or conditions of the property involved, or by reason of exceptional narrowness, shallowness or shape of a zoning lot, or because of unique topography, or underground conditions.

*Meets*                       *Does not meet*

- b. Also, that the variation, if granted, will not alter the essential character of the locality.

*Meets*                       *Does not meet*

For the purposes of supplementing the above standards, the Commission may take into consideration the extent to which the following facts favorable to the application have been established by the evidence presented at the public hearing:

- a. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification;

*Meets*                       *Does not meet*

- b. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;

*Meets*                       *Does not meet*

- c. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;  
or

*Meets*                       *Does not meet*

- d. That the proposed variation will not impair an adequate supply of light or air to adjacent property, will not unreasonably diminish or impair the property values of adjacent property, will not unreasonably increase congestion in the public streets, substantially increase the danger of fire or otherwise endanger public safety.

*Meets*                       *Does not meet*

Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation be denied.

**Comprehensive Land Use Plan 2020 Vision Summary Review:**

The Comprehensive Plan designates the subject property as Urban Residential, which allows for existing and future residential areas including a combination of single-family and multi-family housing types. The following goal is applicable to this request:

Land Use

**Goal: Encourage a diversity of high quality housing in appropriate locations throughout the City that supports a variety of lifestyles and invigorates community character.**

This can be accomplished with the following supporting action:

**Supporting Action:** Preserve and enhance the character and livability of existing residential area with architectural and development guidelines.

Housing

**Goal: Promote strong neighborhoods by preserving their character and historical significance and ensuring that they are well served by a variety of community facilities and services.**

This can be accomplished with the following supporting action:

**Supporting Action:** Preserve the unique character of existing neighborhoods.

**Recommended Conditions:**

If a motion to recommend approval of the Special Use Permit at 68 Carmella Drive is granted, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Harkins, received 08/13/12)
  - B. Architectural Plan Set (Unnamed, dated 08/09/12, received 08/13/12)
2. The garage shall not be utilized for living quarters.
3. Expansion of the garage in size and or volume shall require an amendment to the Special Use Permit.
4. The dormer should be split into two dormers, not exceeding 8 feet in length each, for a total of 16 feet of dormer area.
5. The garage shall not be located within any Public Utility Easement, Municipal Utility Easement or Public or Private Drainage Easement.
6. The north wall of the garage shall be 1-hour fire rated. New ventilation for the second floor is required as eave vents are not permitted
7. The petitioner shall comply with all of the requirements of the Engineering and Building, Fire Rescue, Public Works and Planning and Economic Development Departments.





**Agenda Item No: 17**

**City Council  
Agenda Supplement**

**Meeting Date:** October 2, 2012

**Item:** Existing Retailer Job Creation and Investment Matching Grant and Targeted Development Zone fee reduction requests #2012-44-06 for New Peking Restaurant, at 40 West Terra Cotta, Units G & H, to request \$5,000 in matching grant funds.

Lixia Liang (Lisa), New Peking Restaurant

**Recommendations:** City Council's discretion:

1. Motion to approve the Grant Agreement with Lixia Liang, and to award \$5,000 in grant funding for furniture, fixtures, and equipment for the expansion at 40 West Terra Cotta, Units F & G, for New Peking Restaurant; and
2. Motion to deny the grant application and fee reduction request.

**Staff Contact:** Michelle Rentzsch, Director of Planning and Economic Development  
James Richter II, Assistant Director of Economic Development

**Background:** On November 1, 2011, the City Council approved the Retailer and Manufacturer Job Creation and Investment Programs, which provides grant funding to new and existing retailers who occupy vacant space and hire new full-time employees and/or install eligible furniture, fixtures, and equipment.

**NEW PEKING RESTAURANT (40 West Terra Cotta)**

New Peking Restaurant has been serving carry-out Mandarin, Szechuan, and Cantonese cuisine at their current location since 2004. Restaurant owner Lixia Liang is seeking to expand her business into the adjacent vacant tenant space by building a dining room for customers to enjoy sit-down service. **As an existing business, New Peking Restaurant is eligible for up to \$5,000 in grant funding.** Ms. Lixia will spend approximately \$11,453 on eligible furniture, fixtures, and equipment for her dining room, including dining room furniture, such as tables, chairs, booths, and refrigerators.

The chart on the following page outlines the evaluation of the applicant's request in relation to our review criteria:

REVIEW CRITERIA	APPLICANT'S ABILITY TO MEET THE REVIEW CRITERIA
Improvement to overall appearance	A minor improvement to the appearance of the subject property would be provided
Aesthetic impact to surrounding areas	Improvements will provide a minor aesthetic improvement to the area
Number of employees and wages	New Peking plans to hire additional employees to accommodate the dining room service*
Value of new FFE	Furniture, fixtures, and equipment in excess of \$10,000*
Use of the property as a result of a new business activity	Converts vacant retail space to a usable dining room and bathroom space, with improved ADA accessibility and life safety*
Contribution to economic vitality	Promotes occupancy of vacant retail space with a viable sales tax generating restaurant*
Compatibility with nearby uses	Compatible with adjacent uses*

The applicant's request has been evaluated for the value of the improvement, the extent of proposed work, and its potential impact. The current application would fulfill 5 of the 7 review criteria (marked with an asterisk\*).

### SUMMARY OF CURRENT REQUESTS

The chart below provides a complete summary of the pending grant funding requests. The City has budgeted \$80,000 for reimbursements to awarded recipients. The job creation and investment programs will share the same funding source (\$80,000).

File #	Applicant Name / Business name	Address	New Retailer Programs	Existing Retailer Programs	Manufacturer Programs	Total Requested	Amount Approved	Status
2012-44-01	Potbelly Sandwich Works	6000 Nw Hwy	\$10,000.00			\$10,000.00	\$10,000.00	Approved
2012-44-02	CalCo Controls Inc	439 S. Dartmoor			\$10,000.00	\$10,000.00	\$10,000.00	Approved
2012-44-03	Kumi Sushi	1145 S Rt 31	\$10,000.00			\$10,000.00	\$10,000.00	Approved
2012-44-04	Harbor Freight Tools	6324 Nw Hwy	\$10,000.00			\$10,000.00	\$10,000.00	Approved
2012-44-05	Sea Level Diving	269 Liberty		\$5,000.00		\$5,000.00	\$5,000.00	Approved
2012-44-06	New Peking Restaurant	40 W Terra Cotta		\$5,000.00		\$5,000.00		Proposed

<b>TOTALS</b>	<b>\$30,000.00</b>	<b>\$10,000.00</b>	<b>\$10,000.00</b>	<b>\$50,000.00</b>	<b>\$35,000.00</b>
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**Votes Required to Pass:** A simple majority vote.



**Agenda Item No: 18**

**City Council  
Agenda Supplement**

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<b><u>Meeting Date:</u></b>	October 2, 2012
<b><u>Item:</u></b>	Annual Audit for the Fiscal Year 2011/2012
<b><u>Staff Recommendation:</u></b>	Motion to accept the Annual Audit for the Fiscal Year 2011/2012
<b><u>Staff Contact:</u></b>	Mark F. Nannini, Director of Finance

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**Background:**

Attached is the 2011/2012 Comprehensive Annual Financial Report.

State law requires that all general-purpose local governments publish within six months of the close of each fiscal year a complete set of financial statements presented in conformity with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants. The Council is requested, as part of standard annual procedure, to accept the City's 2011/2012 Fiscal Year annual audit report.

The report is separated into three sections - Introduction, Financial and Statistical. The Introduction section provides a letter from management on the City's economic development, long-term planning, management practices and awards with acknowledgements.

The Financial section includes a letter from the audit firm followed by detailed information for the fiscal year ended April 30, 2012. This information is presented in summary fashion in the lead schedules and then provides the detailed activity by account and fund.

The last section, Statistical, provides various statistical information on the City of Crystal Lake. This section gives the reader more insight into the revenues, expenses, outstanding debt and miscellaneous statistics.

The audit report, prepared by Selden Fox, LTD, provides a clean opinion of the City's financial operations for the fiscal year ended April 30, 2012, and for the nineteenth consecutive year, the financial report has been prepared to comply with the high standards of the Government Finance Officers Association Certificate of Conformance for Excellence in Financial Reporting Award

Program criteria. Members of our audit firm and finance staff will be present at the meeting to address any questions about these schedules. A motion is requested of the Council for acceptance of the annual audit for the Fiscal Year 2011/2012.

**Votes Required to Pass:**

Simple majority.





**Agenda Item No: 19**

**City Council  
Agenda Supplement**

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**Meeting Date:** October 2, 2012

**Item:** Southeast Emergency Communication (SEECOM)  
Memorandum of Understanding

**Staff Recommendation:** Motion to adopt a resolution authorizing execution of a Memorandum of Understanding between the City of Crystal Lake and Southeast Emergency Communication (SEECOM) providing for a mechanism for City personnel to perform SEECOM's maintenance responsibilities, on an as-needed basis, in exchange for payment to the City.

**Staff Contact:** George Koczvara, Deputy City Manager

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**Background:**

At the December 3, 2002, regular City Council meeting, the Council authorized the execution of the Southeast Emergency Communication (SEECOM) Intergovernmental Agreement. The SEECOM Intergovernmental Agreement, executed by the Village of Algonquin, the Village of Cary and the City of Crystal Lake, established a centralized public safety communications system for the region.

The Intergovernmental Agreement, and subsequent amendments, designated the space that SEECOM currently occupies in City Hall. Pursuant to the Lease Agreement between the City and SEECOM, maintenance and repair of SEECOM's premises is the responsibility of SEECOM, including but not limited to all of the HVAC, water, sewer and electrical systems servicing SEECOM's premises.

Since the City already employs certain personnel who are responsible for the maintenance and repair of facilities operated by the City, and are qualified to engage in certain maintenance and repair services, both the City and the SEECOM Executive Board have determined that it would be beneficial to utilize the services of the City personnel to perform SEECOM's maintenance responsibilities on an as-needed basis.

The attached Memorandum of Understanding provides for a mechanism for City personnel to perform SEECOM's maintenance responsibilities, as may be requested by SEECOM and approved by the City, in exchange for payment to the City.

**Recommendation**

As the largest user of SEECOM, it is staff's recommendation to approve the attached Memorandum of Understanding providing for a mechanism for City personnel to perform SEECOM's maintenance responsibilities, as may be requested by SEECOM and approved by the City, in exchange for payment to the City.

**Votes Required to Pass:**

Simple majority



## RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE as follows:

1. That the Mayor and City Council approve the Memorandum of Understanding between the City of Crystal Lake (City) and Southeast Emergency Communication (SEECOM) providing for a mechanism for City personnel to perform SEECOM's maintenance responsibilities in exchange for payment to the City.
2. That the Mayor is authorized to execute the Memorandum of Understanding between the City and SEECOM.

DATED at Crystal Lake, Illinois this 2<sup>nd</sup> day of October, 2012.

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

By: \_\_\_\_\_  
MAYOR

SEAL

ATTEST

\_\_\_\_\_  
CITY CLERK

PASSED: October 2, 2012

APPROVED: October 12, 2012



**Agenda Item No: 20**

**City Council  
Agenda Supplement**

**Meeting Date:** October 2, 2012

**Item:** Demolition of 62 Railroad Street

**Staff Recommendation:** A motion awarding the bid for the demolition of 62 Railroad Street and adopting a resolution authorizing the City Manager to execute a contract with the lowest responsive and responsible bidder, Langos Corp., for the demolition of 62 Railroad Street, and authorizing the City Manager to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

**Staff Contact:** George Koczvara, Deputy City Manager

**Background:**

On Tuesday, September 25, 2012, the City of Crystal Lake publicly opened and read aloud the bids received for the demolition of 62 Railroad Street, Crystal Lake, Illinois 60014. Below is a breakdown of the bids received:

Bidder	Base Contract	Alternate - Fill and Removal of Well	Total
Langos Corp. ✓ Barrington Hills, IL	\$17,980	\$1,900	\$19,880
Eagle Biomass McHenry, IL	\$19,850	\$2,880	\$22,730
KLF Enterprises, Inc. Markham, IL	\$14,672.56	\$10,000	\$24,672.56
Lake County Grading Libertyville, IL	\$25,546	\$1,800	\$27,346

✓ - Indicates lowest responsive and responsible bidder

The property to be demolished is City-owned and is planned for future parking in 2013. The future parking will include an extension of the Railroad Street commuter parking lot.

In exchange, the remaining commuter parking spaces in the Depot lot will be converted to 4-hour parking for business use.

The actual demolition will include the two-story and basement house, garage, paved driveway and all other accessory structures. The Contractor will soil backfill and seed all areas affected by the demolition.

**Recommendation:**

The City Manager's Office has reviewed all bids received for completeness and accuracy in accordance with the Invitation to Bid document and has checked references. It is staff's recommendation to award the demolition of 62 Railroad Street, Crystal Lake, Illinois 60014 contract to Langos Corp. in the total bid amount of \$19,880 and approve up to 10 percent in justifiable contract amendments from a contingency allowance.

**Votes Required to Pass:**

Simple majority vote of the City Council.



## RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be and he is hereby authorized and directed to execute a contract for the demolition of 62 Railroad Street, Crystal Lake, Illinois 60014 between the City of Crystal Lake and Langos Corp. in the not-to-exceed amount of \$19,880. The City Manager is additionally authorized to approve up to 10 percent in justifiable contract amendments from a contingency allowance. Payment for this project will be made from fund reserves.

DATED this 2<sup>nd</sup> day of October, 2012.

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

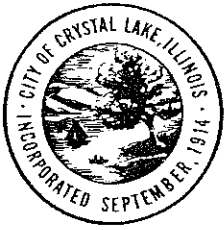
By: \_\_\_\_\_  
MAYOR

SEAL

ATTEST

\_\_\_\_\_  
CITY CLERK

PASSED: October 2, 2012  
APPROVED: October 2, 2012



**Agenda Item No: 21**

**City Council  
Agenda Supplement**

**Meeting Date:**

October 2, 2012

**Item:**

Congress Parkway and Exchange Drive Sidewalk  
Construction Bid Award

**Staff Recommendation:**

Motion to award the Congress Parkway and Exchange Drive Sidewalk Construction bid to the lowest responsive and responsible bidder, Landmark Contractors, Inc., in the bid amount of \$77,568.00, and adopt a resolution authorizing the City Manager to execute the contract with Landmark Contractors, Inc., and allowing for a 10-percent contingency.

**Staff Contact:**

Erik D. Morimoto, Director of Engineering and Building

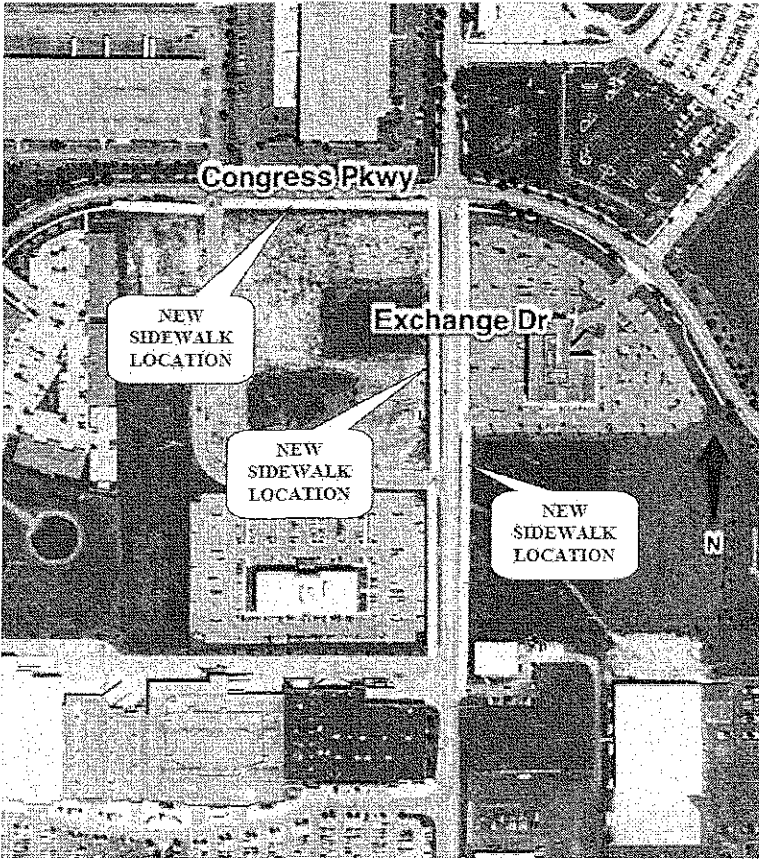
**Background:**

On September 24, 2012, bids received for the construction of new sidewalk along Congress Parkway and Exchange Drive were opened and publicly read. The City received five bids and the results are tabulated below.

<i>Firm</i>	<i>Amount of Bid</i>
Landmark Contractors, Inc. <sup>1</sup> Huntley, IL	\$77,568.00
Copenhaver Construction, Inc. Gilberts, IL	\$84,080.00
D'Land Construction, LLC Bensenville, IL	\$87,900.80
Alliance Contractors, Inc. Woodstock, IL	\$90,376.00
Bergquist & Zimmerman Construction, Inc. Crystal Lake, IL	\$99,520.00

<sup>1</sup> Indicates Recommended Lowest Responsive and Responsible Bidder

The new sidewalk will be installed along the south side of Congress Parkway just west of Exchange Drive and along both sides of Exchange Drive from Congress Parkway to the southern parking lots as indicated on the location map on the next page.



The sidewalks along Congress Parkway and Exchange Drive were included in the approved plan for the Congress Station Development. However, the developer has pulled out of the project and has been unresponsive to requests to complete the remaining public improvement items for the subdivision, including the sidewalk. The City will be drawing on the letter of credit provided by the developer to pay for this improvement.

The City sent a notice of the bid to several different contractors and standard bid advertisement procedures were followed. Landmark Construction has performed work for the City before; most recently they were a subcontractor for the Virginia Street Corridor improvement.

**Votes Required to Pass:**

Simple majority





**Agenda Item No: 22**

**City Council  
Agenda Supplement**

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**Meeting Date:** October 2, 2012

**Item:** Illinois Route 176 Access Road Improvement Bid Award

**Staff Recommendation:** Motion to award the Illinois Route 176 Access Road Improvement bid to the lowest responsive and responsible bidder, Berger Excavating Contractors, Inc., in the bid amount of \$481,314.89, and adopt a resolution authorizing the City Manager to execute the contract with Berger Excavating Contractors, Inc., and allowing for a 10 percent contingency.

**Staff Contact:** Erik D. Morimoto, Director of Engineering and Building

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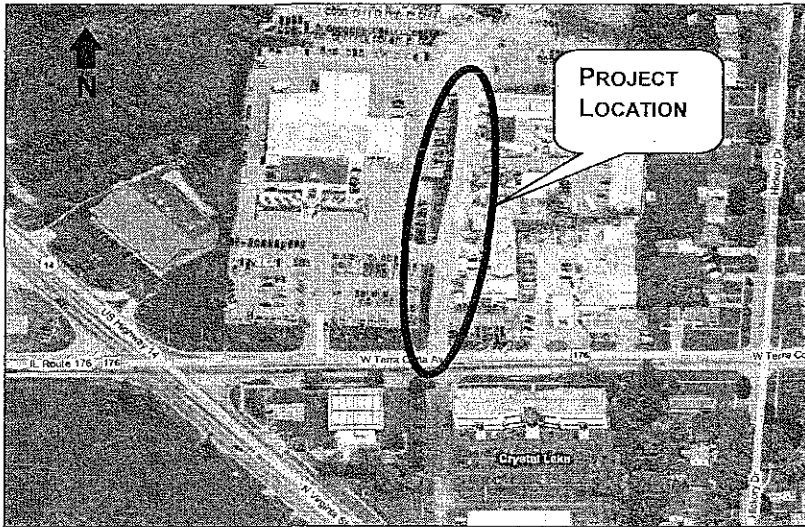
**Background:**

On September 24, 2012, bids received for the Illinois Route 176 Access Road Improvement were opened and publicly read. The City received three bids and the results are tabulated below.

<i>Firm</i>	<i>Amount of Bid</i>
Berger Excavating Contractors, Inc. <sup>1</sup> Wauconda, IL	\$481,314.89
Curran Contracting Company Crystal Lake, IL	\$545,035.00 <sup>2</sup>
Chicagoland Paving Contractors, Inc. Lake Zurich, IL	\$589,900.00

<sup>1</sup> Indicates Recommended Lowest Responsive and Responsible Bidder

<sup>2</sup> Corrected Bid Amount Based on Unit Costs Provided



To assist with redevelopment of the northeast quadrant of US Route 14 and Illinois Route 176, the City is reconstructing the access roadway leading to Terra Cotta Avenue. The improvement also includes curb and gutter, storm sewer, private lift station and force main relocation, new water main, and a cul-de-sac. The reconstructed access road will be a public street dedicated and signed as "Dearborn Court."

The City sent a notice of the bid to several different contractors and standard bid advertisement procedures were followed. The City has used Berger Excavating on several projects in the recent past. This project is included in the Fiscal Year 2013 MFT budget.

**Votes Required to Pass:**

Simple majority



**Agenda Item No: 23**

**City Council  
Agenda Supplement**

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**Meeting Date:**

October 2, 2012

**Item:**

Appropriation of MFT Funds for the Illinois Route 176 Access Road Improvement.

**Staff Recommendation:**

Motion to adopt a resolution appropriating MFT funds for the Illinois Route 176 Access Road Improvement.

**Staff Contact:**

Erik D. Morimoto, Director of Engineering and Building

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**Background:**

City staff is requesting that the Council allocate \$529,447.00 in Motor Fuel Tax funds for the improvement to the Illinois Route 176 Access Road, which will be a public street dedicated and signed as "Dearborn Court." This allocation is for the construction of the project, and a 10 percent contingency. Any funds that are obligated and not spent will be returned to the City's unobligated balance once the project is complete. The City has budgeted for this project, and has sufficient reserves in its MFT fund for the construction.

**Votes Required to Pass:**

Simple majority



**Agenda Item No: 24**

**City Council  
Agenda Supplement**

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**Meeting Date:**

October 2, 2012

**Item:**

Three Oaks Recreation Area Paving Improvements

**Staff Recommendation:**

A motion awarding the bid for miscellaneous paving improvements at the Three Oaks Recreation Area and adopting a resolution authorizing the City Manager to execute a contract with the lowest responsive and responsible bidder, Chicagoland Paving, for paving work in the amount of \$19,496 and authorizing the City Manager to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

**Staff Contact:**

Erik Morimoto, Director of Engineer/Building  
Eric Helm, Deputy City Manager

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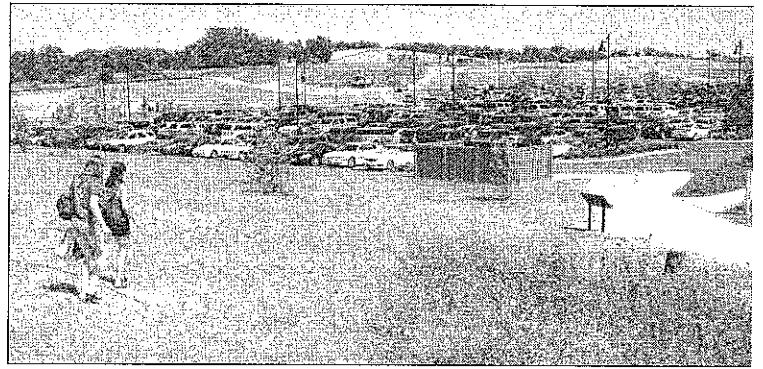
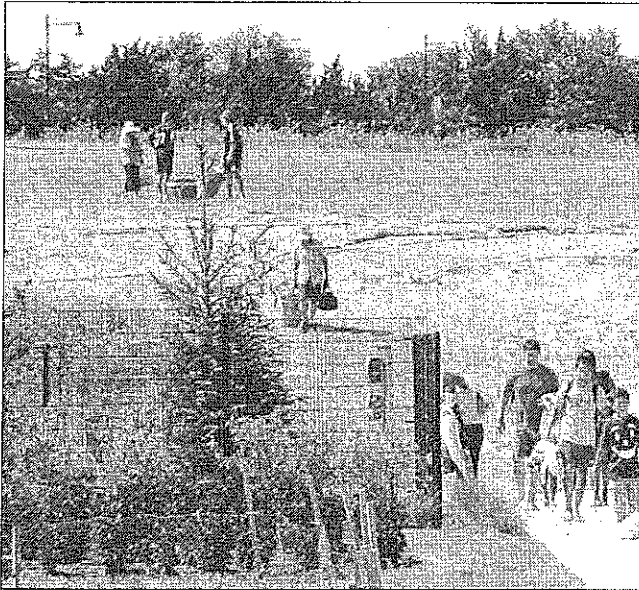
**Background:**

On September 24, 2012, the City opened and publicly read aloud the bids received for paving improvements at the Three Oaks Recreation Area. The bid specifications requested bidders to provide three improvements: 1) a new paved switchback trail from the bicycle path to the lake house; 2) a drop off lane on the Main Street entrance roadway, and 3), the paving of an existing limestone path near the Main Street overlook.

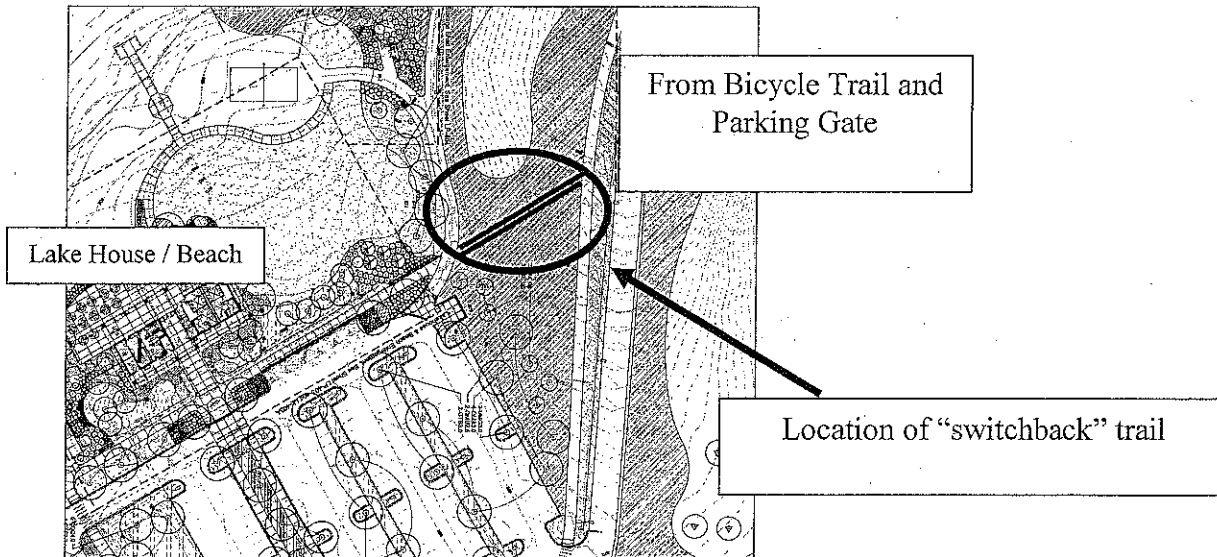
**Switchback Trail**

At the 2012 / 2013 budget presentation, City Staff proposed the construction of a trail that would directly connect the asphalt bike path to the sidewalk adjacent to the Lake House. During the last two summers, people have taken the shortest path and walked down the hill from the bicycle trail to the lake house. Due to the large amount of pedestrian traffic, this area is experiencing erosion and areas of loose gravel. The new paved trail would be a 10' wide switchback trail. A switchback trail has several right and left curves designed to lessen the steepness of the trail. This would make it easier for walkers and bicyclists to transverse the path. City Staff will install landscaping and a split rail wood fence to guide patrons along the proposed path.

*Pictures of current conditions:*

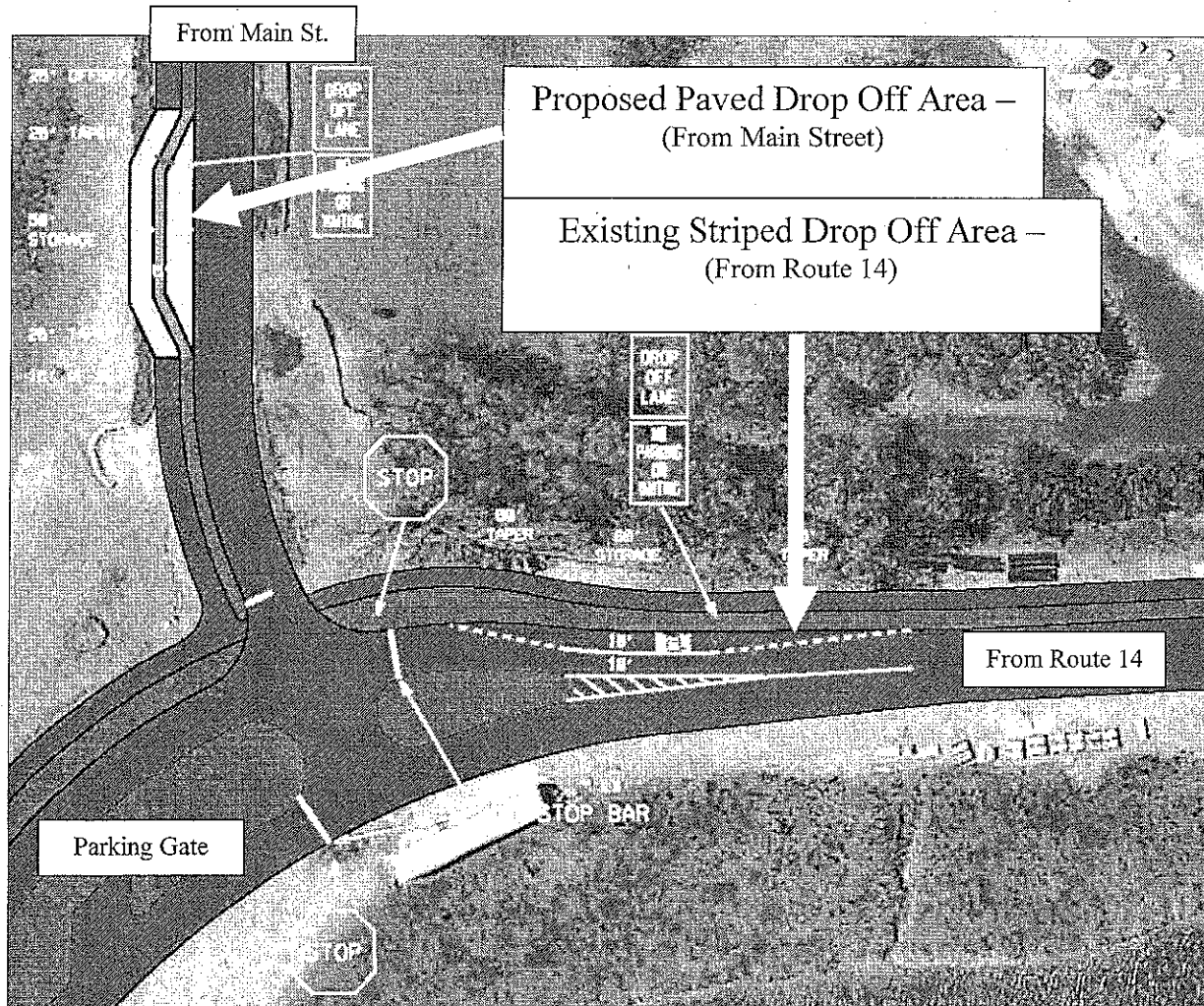


*Approximate area of switchback trail:*



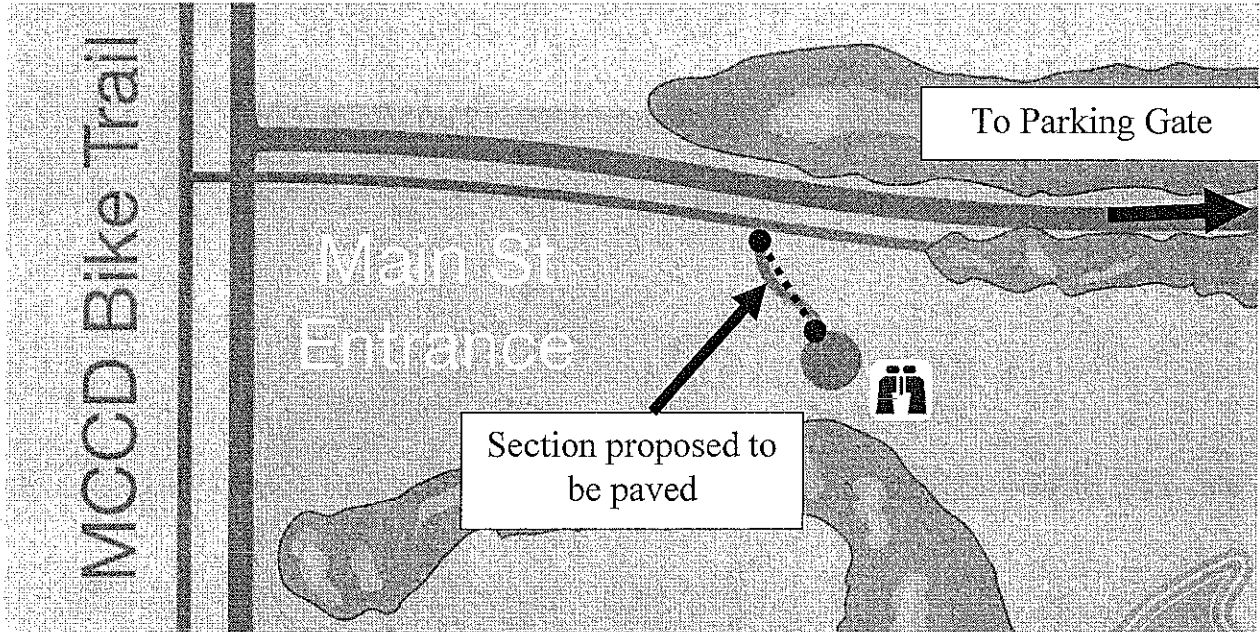
Drop Off Lane

Throughout the beach season, numerous patrons drop off individuals prior to entering the parking lot. This occurs at times when the parking lot is full, or when the patron is dropping off people for parties or events. Currently, patrons drop off individuals in the middle of the roadway or intersection near the parking gate. This causes traffic and safety issues. City Staff has attempted to find solutions to this issue and create a safe, convenient area for patrons to drop off individuals outside of the roadway. For vehicles arriving from Route 14, the existing roadway was wide enough for City Staff to create a drop off zone by striping an area along the widest section of the roadway. However, for vehicles arriving from Main Street, the roadway is not wide enough to stripe a drop off area. The creation of a drop off zone along this entry way will require minor modifications to the roadway and bicycle path adjacent to the roadway. Under the proposed plan, the bicycle path will be shifted south to accommodate a drop off zone, and the existing parkway section will be paved. A grass parkway section will still separate the drop off area from the roadway. The below plan shows the existing striped drop off area along the US Route 14 access road entrance and the proposed drop off area along the Main Street access road.



Minor Paving of Overlook Path

Currently, the overlook closest to Main Street is connected to the paved bicycle path by a path constructed of limestone screenings. At numerous times throughout the year the path's limestone screenings washout over the paved bicycle path. When the limestone pebbles lay on the asphalt bike path they create a safety hazard for bicyclists and walkers/runs. In order to eliminate this potential hazard and maintenance concern, City Staff recommends paving this short section and redirecting the water away from the existing paved bicycle path.



The breakdown of the bids received is shown below:

<i>Contractor</i>	<i>Price</i>
√ <i>Chicagoland Paving Lake Zurich, IL</i>	<i>\$19,496.00</i>
Rose Farm Paving Woodstock, IL	\$20,449.06
Maneval Construction Grayslake, IL	\$23,523.00
Accu-Paving Broadview, IL	\$24,062.35
AllStar Asphalt Wheeling, IL	\$29,692.00
Continental Construction Evanston, IL	\$35,580.00
Berger Excavating Contractors Wauconda, IL	\$39,305.00
Schroeder Asphalt Huntley, IL	\$42,554.00

√ - Indicates lowest responsive and responsible bidder

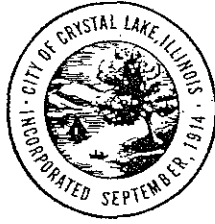
**Recommendation**

The City's Engineering Division has reviewed all bids received for completeness and accuracy in accordance with the Invitation to Bid document and have checked references. There are sufficient funds available for this expense. It is staff's recommendation to award the contract for the paving improvements to Chicagoland Paving in the total bid amount of \$19,496 and approve up to 10 percent in justifiable contract amendments from a contingency allowance.

**Votes Required to Pass:**

Simple majority vote of the City Council.





**The City of Crystal Lake Illinois**

**RESOLUTION**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be and he is hereby authorized and directed to execute a contract for paving improvements at the Three Oaks Recreation Area between the City of Crystal Lake and Chicagoland Paving Contractors, Inc., in the amount of \$19,496.00. The City Manager is additionally authorized to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

DATED this second day of October, 2012.

CITY OF CRYSTAL LAKE, an Illinois  
Municipal Corporation

BY: \_\_\_\_\_  
Aaron T. Shepley, Mayor

ATTEST:

\_\_\_\_\_  
Nick Kachiroubas, City Clerk

PASSED: October 2, 2012

APPROVED: October 2, 2012

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



## Agenda Item No: 25

### City Council Agenda Supplement

**Meeting Date:**

October 2, 2012

**Item:**

Approval of Temporary Construction Easement for North Shore Drive Drainage Improvement

**Staff Recommendation:**

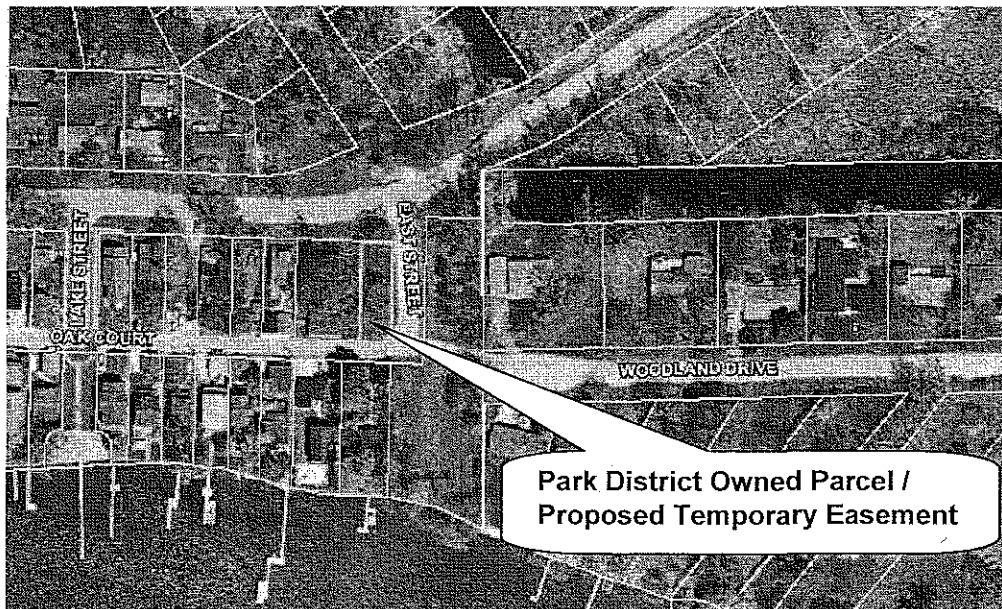
Motion to adopt a resolution authorizing the City Manager to execute a temporary construction easement granted by the Crystal Lake Park District for the North Shore Drive Drainage Improvement.

**Staff Contact:**

Erik D. Morimoto, Director of Engineering and Building

**Background:**

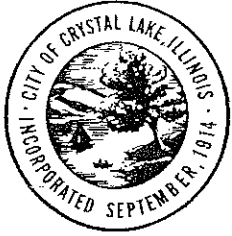
The contractor for the North Shore Drive Drainage Improvement, Berger Excavating, has requested an additional area to store and stage equipment and materials for the construction. The Crystal Lake Park District owns the vacant parcel at the southwest corner of East Street and North Shore Drive. This location would be ideal for use as a staging area during the construction.



The City and Park District have negotiated a temporary easement. Under the terms of the easement, the City and its contractor will have the right to use the parcel to store equipment and material related to the construction. The City and its contractor will also have the responsibility to restore the parcel to its present condition once construction is complete. The Park District retains full rights to the property since this is not a permanent taking.

**Votes Required to Pass:**

Simple majority of City Council present.



**Agenda Item No: 26**

**City Council  
Agenda Supplement**

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<b><u>Meeting Date:</u></b>	October 2, 2012
<b><u>Item:</u></b>	Informational Update Regarding Emerald Ash Borer (EAB)
<b><u>Staff Recommendation:</u></b>	For information only.
<b><u>Staff Contact:</u></b>	Victor Ramirez, P.E., Director of Public Works

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**Background:**

The devastation caused by the emerald ash borer (EAB) has been newsworthy throughout Chicagoland in the last several years. While EAB was detected in Illinois in 2006, it has remained dormant until recently. Now, communities throughout the area are revamping their forestry programs to address an ash tree population that the Illinois Department of Agriculture predicts will be completely diminished.

As the EAB initially made its presence known in Crystal Lake, forestry crews removed Ash trees showing 75% deterioration. In 2011, 64 Ash trees were found to be deteriorated to this threshold and were subsequently removed from City property, and parkways.

The City's forestry program has been refocused in 2012, and determination was made that Ash trees showing 50% deterioration were not capable of recovery and are subsequently being scheduled for removal. To date, 395 trees have been identified for removal this year.

The next 5-10 years will be a trying time for our staff and the forestry budget as approximately 6,000 Ash trees will succumb to this invasive insect and need to be removed from City parkways. The City's approach will be reviewed and updated annually to address the emerging best management practices.

As a result of a recent city-wide ash tree inventory, City crews have been focusing their efforts this year in the southern section of the City where there is a high prevalence of Ash trees. The program area was initiated on the south side of the City in an areas bordered by Ackman Road to the North, Randall Road to the East, Miller Road to the South and Swanson Road to the West. As trees were removed, crews continued to advance north into the Coventry and Four Colonies subdivisions. Due to the prevalence and advanced destruction, a majority of the scheduled removals for 2012 will be in this area, however crews will target trees throughout the community that meet the 50% deterioration

threshold. This systematic approach will be advanced year-to-year until the entire Ash population has been destroyed by the EAB, and subsequently removed and replaced by City crews.

Attached you will find the Public Works Department's revised EAB Policy & Response Plan. This plan identifies a proactive approach with annual inventories/evaluations, a more aggressive removal policy, and an ambitious re-forestation plan.

City of Crystal Lake  
Public Works Department  
Emerald Ash Borer  
Policy & Response

Prepared by:  
City of Crystal Lake  
Department of Public Works  
September 20, 2012

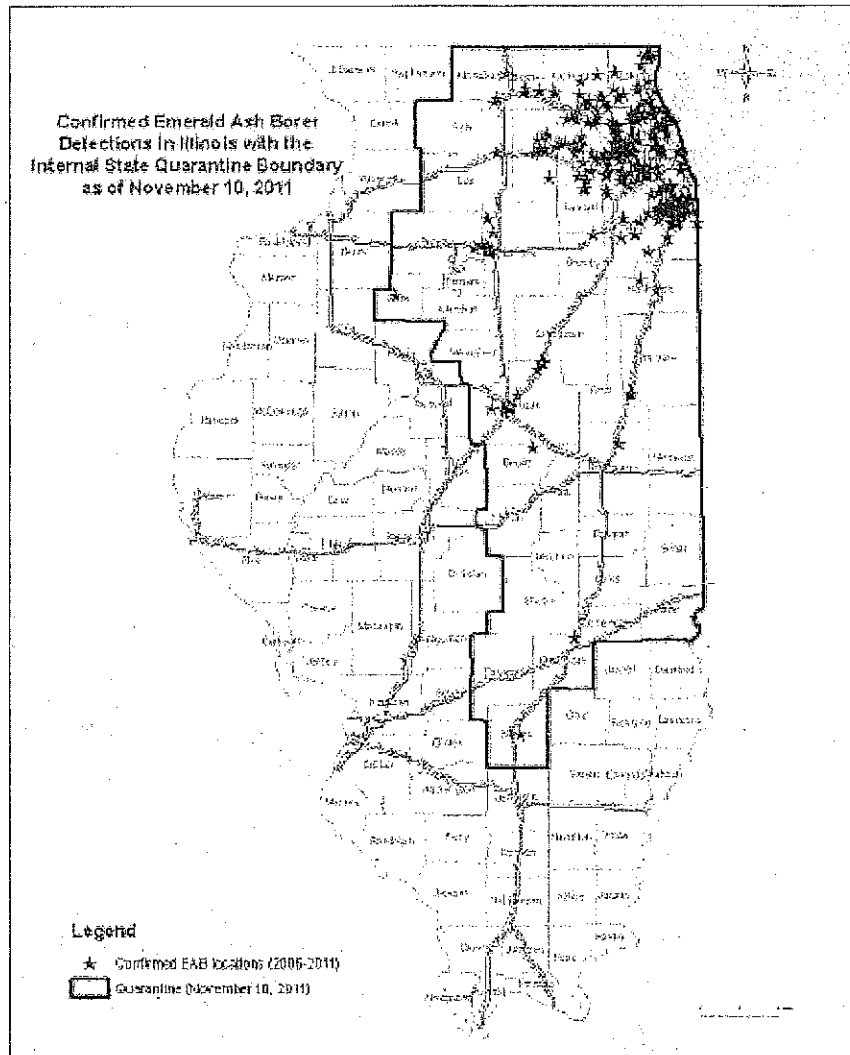
**Background.**

Emerald Ash Borer (EAB) is an invasive beetle native to Asia which was first discovered in southeastern Michigan, near Detroit, in the summer of 2002. The adult beetles eat the leaves of ash trees and other foliage and cause minor damage. The larvae (the immature stage) feed on the inner bark of ash trees, disrupting the tree's ability to transport water and nutrients, ultimately killing the tree. It is suspected that the emerald ash borer arrived in the United States on solid wood packing material carried in cargo ships or airplanes originating from Asia. Emerald Ash Borer is also established in Windsor, Ontario and was found in Ohio in 2003, northern Indiana in 2004, and northern Illinois in 2006. Most recently, the insects have been discovered throughout Chicagoland, including Crystal Lake. Since its discovery, EAB has:

- Killed over 20 million ash trees in Michigan, Ohio and Indiana. Most of the devastation is in southeastern Michigan.
- Caused regulatory agencies to enforce quarantines (Ohio, Indiana, Michigan, and Illinois) and fines to prevent potentially infested ash trees, logs or firewood from moving out of areas where EAB occurs.
- Cost municipalities, property owners, nursery operators and forest products industries tens of millions of dollars.

As of 2012, the following Illinois Counties have been found to be infected at are under quarantine:

- |              |              |              |
|--------------|--------------|--------------|
| • Boone      | • Fayette    | • Marshall   |
| • Bureau     | • Ford       | • McHenry    |
| • Champaign  | • Grundy     | • McLean     |
| • Clark      | • Iroquois   | • Moultrie   |
| • Coles      | • Kane       | • Ogle       |
| • Cook       | • Kankakee   | • Piatt      |
| • Cumberland | • Kendall    | • Putnam     |
| • DeKalb     | • Lake       | • Shelby     |
| • Dewitt     | • LaSalle    | • Stark      |
| • Douglas    | • Lee        | • Vermillion |
| • DuPage     | • Livingston | • Will       |
| • Edgar      | • Macon      | • Winnebago  |
| • Effingham  | • Marion     | • Woodford   |



Confirmed Emerald Ash Borer Locations in Illinois and Internal State Quarantine Boundary as of November 10, 2011



### Statewide Response

Several years ago, the State of Illinois developed an “Emerald Ash Borer Readiness Plan”, which put procedures in place to respond to the presence of EAB in neighboring states. When EAB was discovered in Illinois in June of 2006, the Illinois Department of Agriculture (IDA) implemented several of the action items contained in the readiness plan.

IDA inspectors began surveying Ash trees in and around the areas of infestation in an effort to identify infested trees and to determine the extent of the infestation. The survey effort consisted of a visual inspection of a portion of the public Ash trees in northeastern Cook County, central Kane County, LaSalle County, and DuPage County, at locations where infestations have been confirmed. In many cases, municipal forestry personnel assisted in these inspections. The bulk of these inspections were non-destructive, and because an EAB infestation can be asymptomatic in its early stages, the absence of evidence of EAB cannot be considered conclusive. Once the



presence of EAB was discovered to be widespread, the detection efforts fell back almost entirely on local forestry crews.

In response to the identification of EAB, the IDA, Morton Arboretum, and various other local, state, and Federal agencies engaged in multiple public awareness campaigns aimed at educating the public to the presence and ramifications of EAB. This is a very important step because the primary EAB transport mechanism over long distances is the transport of infested firewood and/or nursery products. This public information has been disseminated by press release, news coverage, the Internet, public meetings, mailers, and a host of other methods. Continued public education efforts will be critical in identifying and responding to infestations.

As a result of the survey work in the infested areas, the IDA established quarantine zones in an effort to prevent the further spread of the EAB. These quarantine zones impose restrictions on the processing and transport on Ash products and on firewood. This quarantine zone now encompasses an area covering nearly 40% of Illinois, primarily along the mid and eastern portions of the state from the Wisconsin state line to as far south as Marion County. Information on these quarantine zones is contained on the IDA's website, [www.agr.state.il.us](http://www.agr.state.il.us). A federal quarantine has also been established.

#### **Local Impact**

As the Emerald Ash Borer (EAB) has advanced throughout McHenry County and into the City of Crystal Lake, Streets Division staff has been actively monitoring the status and overall health of the Ash population in its urban forest. As of 2008, Crystal Lake hosted approximately 6,000 Ash trees in its parkways. The Ash population has been re-surveyed by City arborists for signs of EAB and to track the progress of the insect. As the EAB initially made its presence known, forestry crews removed Ash trees showing 75% deterioration. In 2011 64 Ash trees were found to be deteriorated to this threshold and were subsequently removed from City property and parkways.

The City's forestry program has been refocused in 2012 with the Emerald Ash Borer being a primary concern of the City's arborists. A determination was made that Ash trees showing 50% deterioration were not capable of recovery, and are subsequently being scheduled for removal. The Streets Division has developed a systematic approach to monitoring the City's Ash population that will be advanced year-to-year until the entire Ash population has been eradicated by the EAB and replaced by City crews. To advance these efforts, surveys of the Ash devastation will be conducted annually. This will allow the Streets Division to track the progress of the insects, and efficiently schedule tree removals and replacements.

## Crystal Lake Policy & Response

### **Purpose:**

To provide guidelines for the management of Ash Trees within the City's urban forest in response to the increased Emerald Ash Borer (*Agrilus planipennis*, EAB) population, and to identify a method of reforestation as the trees succumb to this invasive insect.

### **Goal:**

To be responsive stewards of Crystal Lake's urban forest by maintaining the integrity and charm of the City's trees while taking a proactive approach to the EAB devastation by actively removing dying trees and ambitiously replanting a variety of new trees in the affected locations.

### **Procedure:**

***Management of Public Ash Trees:*** Public Ash Trees are any Ash trees located on public properties, public facilities, City-maintained parks, or in rights-of-way (including parkways) throughout the community.

**Inventory:** Each year all Ash trees in Crystal Lake will be inventoried and cataloged by City arborists. The inventory includes location, condition, size, and type. This data will be used to track the progress of the EAB and identify areas or subdivisions with heavy Ash concentrations that may be susceptible to mass deforestation.

Trees in poor health are more likely to attract and be infested by EAB. These trees will be identified and documented during the annual inventory. Based on the data collected in the Ash tree inventory, a geographic management zone will be created to address dead or significantly declined ash trees.

**Tree Removal:** An important strategy in attempting to contain the spread of EAB is the removal of infested trees. This is important because removal and destruction of infested trees kills the larvae, which, in turn, slows the spread of adult beetles. Removal also limits the area to which the adult beetle can easily spread. The Public Works Street Division and City arborist plan to aggressively remove, dying, diseased, or otherwise unhealthy Ash trees and to replant these areas with a variety of tree species from the City's master planting list as identified in the City's Unified Development Ordinance.

Ash trees showing 50% deterioration will be scheduled for removal. *Unless specifically mandated by the State of Illinois, the City does not plan to remove healthy Ash trees.* When a tree is scheduled for removal, affected lot owners will be notified via door hanger of the City's intent to remove the diseased tree. The tree will be removed and stump ground - stumps may remain for a period of up to three weeks to allow sufficient time to call in JULIE locates and schedule a stump grinding crew. Once the stump is ground, the hole will be backfilled and seeded.

*Treatment. There are treatment options available for ash trees; however they are unproven, expensive and require on-going injections into the foreseeable future. For these reasons, removal and replacement has been the treatment method of choice for most of northeastern Illinois.*

**Disposal:** A very important tool in controlling the spread of EAB is proper treatment and disposal of Ash wood products. Even after a tree has been removed, EAB larvae can survive in the felled tree for some period of time. As part of the Illinois Department of Agriculture's quarantine, Ash wood must be chipped to a size smaller than 1 inch in two dimensions before it can be removed from the quarantine zone.

Most standard tree chipping equipment does not grind the wood into small enough chips, so special handling is required. Since these requirements also extend to branch and brush collection, the City will need to assure that Ash branches larger than 1" are not inadvertently sent out of the quarantine zone. As the City collects brush through its brush drop-off program, it is not feasible to separate Ash brush and branches from other brush and branches. The procedure will be to haul the all brush and branches to the compost facility to grind into mulch pieces smaller than 1 inch for disposal.

**Replanting:** The tree removed will be replanted in-kind by the City as funding permits. Trees removed from residential parkways will take precedence for replanting, and the resident will be given an option of up to six species of trees to be replanted in their parkway. Trees may not be replanted where there are power lines or other obstructions or hazards present.

**Management of Private Ash Trees:** Private Ash trees are Ash trees not located on City property or parkways, and shall include trees on property belonging to other taxing bodies including the Crystal Lake Park District, and the McHenry County Conservation District.

Unless specifically mandated by the State of Illinois, the City of Crystal Lake does not plan to require removal of healthy Ash trees from privately owned properties. The City of Crystal Lake requires a permit for removal of trees. Several additional provisions shall be imposed on permits for removal of Ash trees.

- Ash tree removals may only be performed by a contractor who has signed a State of Illinois Compliance Agreement, pledging to comply with all of the provisions of the EAB quarantine.
- From May 1 to September 1, all regulated articles originating from within the EAB quarantine zone and leaving any municipality or township of their origin shall only be transported within the EAB quarantine zone in an enclosed vehicle or a vehicle completely enclosed by a covering, such as canvas, plastic or tightly woven cloth, adequate to prevent the passage of the Emerald Ash Borer to the environment.

- As the Ash tree is being removed, the City Arborist(s) will perform or observe a bark-peeling survey to inspect the tree for symptoms of EAB infestation.

The City's Arborist(s) will perform visual inspections of Ash trees on private property, either if the property owner requests the inspection, or if a privately owned tree is observed with visual symptoms of an infestation and determined to be a threat to life safety or public property.

**Public Education:** It will be very important to effectively and continually provide information to the residents of Crystal Lake. Public education will include general information on the Emerald Ash Borer, EAB identification information, potential treatment information, as well as information on the City's response and other information that may be useful. Information will be provided in a variety of ways including the City newsletter, the City's website, and other methods.

#### **Future Steps:**

The City of Crystal Lake's strategy is designed with the intention of slowing the spread of EAB. Removing trees that are 50% damaged will help reduce the spread. This policy will be reviewed and updated periodically to assure that current best management practices are being followed.

**Additional information can be obtained visiting the following links:**

[www.emeraldashborer.info](http://www.emeraldashborer.info)

[www.IllinoisEAB.com](http://www.IllinoisEAB.com)

[www.na.fs.fed.us/fhp/eab/index.shtm](http://www.na.fs.fed.us/fhp/eab/index.shtm)

<http://www.mortonarb.org/>

[www.agr.state.il.us/newsrels/r0727062.html](http://www.agr.state.il.us/newsrels/r0727062.html)